

CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION  
SUMMARY OF PUBLIC COMMENTS  
EXPLANATORY STATEMENT FOR FINAL REGULATIONS

Proposed Amendments to Sections 26-16-3a, 26-27b-1, 26-48a-3, 26-48-7, 26-49-2, 26-52-1, 26-55-3, 26-66-1, 26-66-2, 26-66-3, 26-66-4, 26-66-5, 26-66-12, 26-66-14, 26-86a-1, 26-86a-2, 26-86a-4 and 26-86a-6 of the Regulations of Connecticut State Agencies. The Department of Energy and Environmental Protection is also proposing to add new subsections 26-16-3a(g), 26-55-3(g), 26-55-3(h), 26-66-14(d), 26-86a-2(i), 26-86a-4(b) and 26-86a-4(c).

**Proposed Amendments to Hunting and Trapping Regulations**

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**Statement of Purpose:** The proposed amendments are intended to: allow the Department of Energy and Environmental Protection (Department) to close portions of wildlife management areas to mountain biking by posting of signs when necessary; adjust the Migratory Bird Stamp fee and validation dates to be consistent with CGS 26-27b and accommodate the automated licensing system; adjust the Harvest Information Permit (HIP) fee to be consistent with CGS 26-48a and changes in issuing procedures; change procedures for tagging game birds taken at regulated private shooting preserves, dog training areas and shooting field trials and eliminate agency-supplied tags for those activities; adjusts shooting field trial permit fees to be consistent with CGS 26-52; add a possession limit on snapping turtles and spotted turtles; allow use of crossbow equipment for hunting, remove obsolete specifications for crossbow arrows and amend the definition of a loaded crossbow to be consistent with CGS Section 53a-217e(2); exempt coyote or fox hunters from the fluorescent orange clothing requirement except during the firearms deer or fall firearms turkey seasons; remove restrictions on the use of crossbows on state-owned lands; shorten the two-week hunting closure in October and allow coyote hunting during the closed period; extend the hunting closure during the spring turkey season for consistency with season extension; remove redundant language regarding minimum distances between waterfowl hunting parties; adjust the regulated crow season; provide alternative methods for reporting coyote or fox taken by hunting; increase youth turkey hunter training opportunities from two days to seven days on state and private land; adds crossbows to list of bow and arrow equipment used for turkey hunting; allow dogs to be used for hunting turkeys during the fall firearms season on private lands; make technical changes to scientific nomenclature for Wood Turtles and provide protection for Spotted Turtles; establish seasons, bag limits, legal methods and gear restrictions for the taking of Snapping Turtles; add muzzleloaders to the list of hunting implements in reference to mandatory deer check station requirements; clarify provision regarding the issuance of firearms permits on state-owned lands; clarify provision regarding issuance of replacement antlerless deer tags and make provisions for such tags on designated state lands when required to meet management objectives; allow use of muzzleloaders during the shotgun/rifle deer season; remove the three shell limitation for shotgun deer hunting on private lands and add electronic ignition muzzleloaders for the purpose of defining a loaded firearm; and increase youth deer hunter training opportunities from two days to seven days on state and private land.

The Department held a public hearing to receive comments on the proposed amendment on January 3, 2013. The hearing record was continued until January 17, 2013 at 4:30 pm for

submission of written comments. Following is the wording of the proposed amendment as presented at the public hearing, a summary of comments received and the Department's responses, and the recommended final wording for the amendment.

### **Organizations and Individual Persons in Support of the Amendments to the Regulations**

Seven organizations (Coalition of Connecticut Sportsmen, Fairfield County League of Sportsmen, East Glastonbury Fish and Game Club, Colchester Fish and Game Club, Connecticut Trappers Association, Mohawk Valley BassCaster and Connecticut Bass Nation) and 75 individuals submitted comments or provided verbal testimony in general support of all proposed regulatory changes. An additional 25 individuals specifically supported proposals to expand the use of crossbows, noting the benefits of crossbows and that crossbows should be considered equally among archery equipment. Others noted the positive effect such a change would have on recruitment and retention of hunters, deer management, revenue increases and the greater efficiency of crossbows as a management tool. Additional support was specifically noted for expansion of youth hunter training days and the use of muzzleloaders as an option during the shotgun/rifle season.

### **Organizations and Individual Persons in Opposition of the Amendments to the Regulations**

Three organizations (Friends of Animals, HARP and Connecticut Votes for Animals) submitted comments or verbal testimony in general opposition to hunting and proposed expansions of regulated hunting seasons or methods. Specific opposition was noted for expansion of crossbow hunting, increasing hunting periods for coyotes and crows, allowing dogs to be used for turkey hunting and increasing opportunities for youth hunting. Twenty-four individuals submitted testimony in general opposition to hunting or any expansion of hunting, noting that hunting should be banned or seasons should be reduced. Several noted the recent tragedy in Newtown and that expanding hunting opportunities for youth was particularly offensive and appalling, considering the violence that they associated with hunting. Others questioned the reasons for specific proposals, suggesting that the Department was pandering to hunters and the minority of Connecticut taxpayers that hunt.

### ***Proposed Amendments at Time of Public Hearing of January 3, 2013***

***Section 26-16-3a of the Regulations of Connecticut State Agencies is amended to read as follows:***

#### ***Section 1. Sec. 26-16-3a. Limitations of Public Use of State Controlled Wildlife Management Areas***

*(a) Target shooting is prohibited on any wildlife management area unless so designated by the Department.*

*(b) All-terrain vehicles, motorcycles, snowmobiles, and all other motorized vehicles shall be prohibited on any wildlife management area unless so designated by the Department.*

*(c) Horses and other riding animals shall be prohibited on any wildlife management area posted against such activities.*

*(d) Except as provided in Section 26-16-2, camping is prohibited on any state controlled Wildlife Management Area, except on the Sessions Woods Wildlife Management Area where camping, conducted in conjunction with an educational program approved by the Commissioner, shall be permitted only if authorized in writing by the Commissioner.*

*(e) Wildlife Management Areas shall be closed to the public from one-half hour after sunset until one-half hour before sunrise except for hunting, fishing or other activities authorized by the Department.*

*(f) Dogs must be on a leash no longer than seven (7) feet and under the control of their owner or keeper. The person responsible for the dog, must hold the leash at all times. The provisions of this subsection shall not apply to the proper use of dogs while in the act of hunting or the training of dogs for the specific purpose of hunting, however all dogs may be prohibited on any area or during any time period when so posted by the Department.*

*(g) In Wildlife Management Areas, the use of bicycles shall be prohibited on any trail, road, path or other area posted against such activity.*

#### **Public Comments Received and the Department's Responses Thereto on Section 26-16-3a**

**Comment:** One organization (Friends of Animals) and three individuals supported changes that would allow the Department to close certain Wildlife Management Areas or portions to mountain bike use as necessary. One individual commented that the closures were necessary to protect bikers from hunters, further suggesting that all users be required to wear orange clothing during hunting seasons. One individual submitted detailed testimony in support of a complete closure to mountain biking of all state lands and included photographic evidence of illegal bike trails and damage in the Naugatuck State Forest.

**Response:** State Park and Forest regulations currently provide the authority for managers to control, by posting, specific public uses, including the use of bicycles, whereas there is no similar, specific language in those sections of RCSA that apply uniquely to Wildlife Management Areas (WMAs). The intent of the proposed amendment is merely to authorize the Commissioner to close portions of WMAs when necessary for habitat or resource protection or due to difficulties with erosion or other damage. Requiring all WMA users to wear orange clothing was not addressed in the Department's Notice of Intent to amend regulations and this comment will not be addressed. The photographic evidence submitted by one commenter was forwarded to the Department's Forestry and Environmental Conservation Police divisions for further action.

**Recommended wording:** As proposed

***Section 26-27b-1 of the Regulations of Connecticut State Agencies is amended to read as follows:***

***Sec. 2. Section 26-27b-1. Migratory Bird Conservation Stamp***

*[(1)](a) The requirement for possession of a Connecticut Migratory Bird Conservation Stamp while hunting or taking waterfowl shall be in addition to the requirement for possession of a Connecticut small game hunting license and any other permit or stamp required by Connecticut or federal law. The stamp shall not be transferable.*

*[(2)](b) The price of the Connecticut Migratory Bird Conservation Stamp shall be [ten] no more than thirteen dollars. Such stamps shall be [issued annually beginning on July first and shall expire on June thirtieth of the following calendar year] valid for a calendar year and expire on December 31.*

**Public Comments Received and the Department's Responses Thereto on Section 26-27b-1**

**Comment:** One individual submitted testimony supporting the increase in the cost of the Connecticut Migratory Bird Conservation Stamp (from ten to thirteen dollars) on the condition that the additional revenue can be used solely for the purposes of wetland habitat protection or enhancement or research.

**Response:** The fee for the Connecticut Migratory Bird Conservation Stamp is established by Section 26-27b of the Connecticut General Statutes. The proposed change in agency regulations is merely a technical change to make the fee listed in RCSA 26-27-b-1 consistent with the controlling statute. Section 26-27c of the Connecticut General Statutes governs the use of Migratory Bird Stamp funds and the specific purposes for which those funds can be used.

**Comment:** One individual commented in opposition to increases in the fees for the Migratory Bird Conservation Stamp and added that while an increase to the stamp fee may be supportable, any fee associated with the Harvest Information Permit (HIP) is unconscionable. In some states the HIP permit is free and the commenter indicated that it was more important to gather harvest statistics.

**Response:** The fee for the Connecticut Migratory Bird Conservation Stamp is established by Section 26-27b of the Connecticut General Statutes. The fee for the Harvest Information Permit is established by Section 4-189j of the Connecticut General Statutes. The proposed changes in agency regulations are merely technical changes to make the fees consistent with the controlling statutes.

**Recommended wording:** As proposed

***Section 26-48a-3 of the Regulations of Connecticut State Agencies is amended to read as follows:***

***Sec. 3. Section 26-48a-3. Migratory Bird Harvest Permit***

*(a) No person required to be licensed under section 26-27 of the Connecticut General Statutes as amended shall hunt, possess or transport any migratory game bird, other than a crow, without also possessing a Migratory Bird Harvest Permit ("Permit") issued by the Commissioner.*

*(b) The permit is valid for a calendar year, and expires December 31.*

*(c) The permittee shall carry the permit at all times when hunting.*

*(d) A permit may be purchased from any [town clerk] licensing agent for [two] four dollars.*

*(e) [For each permit sold, the town clerk shall retain one dollar and shall send one dollar to the Department in accordance with Section 26-36 of the Connecticut General Statutes.*

*(f)] Any person purchasing a permit shall possess a current hunting license issued per Section 26-27 of the Connecticut General Statutes and provide his or her name, date of birth, current mailing address and complete a questionnaire regarding his or her hunting and harvest of migratory birds.*

*[(g) The town clerk shall mail the appropriate part of each Permit to the United States Fish and Wildlife Service within twenty-one (21) days of the date that the permit was purchased.]*

#### **No Comments Received Pursuant to Section 26-48a-3**

**Recommended wording:** As proposed

***Section 26-48-7 of the Regulations of Connecticut State Agencies is amended to read as follows:***

#### ***Sec. 4. Section 26-48-7. Identification and Records of Game Shot***

*(a) (1) All pheasants, quail, chukar partridge and/or ducks shot on the property included in the permit and recovered shall be [securely tagged with a sealed, numbered tag supplied by the department at a cost of ten cents per tag] identified with a tag containing the permittee's name and date of taking.*

*(2) A separate record shall be kept of all birds killed and recovered that are dressed and frozen and held on property.*

*(b) The permittee shall keep accurate, written daily records that shall be open to inspection by any duly authorized representative of the Department at any time. These records shall include (1) the name of each person hunting on the area; the day person was hunting and the amount of game, pheasant, quail, chukar partridge and ducks taken each day. (2) The number of all pheasant, quail, chukar partridge and ducks liberated on the area included in the permit, together with the dates when such birds were liberated. Not later than thirty days following the*

*period for which the permit was issued, the permittee shall submit to the department a true copy of his records on forms provided by the department.*

#### **No Comments Received Pursuant to Section 26-48-7**

**Recommended wording:** As proposed

***Section 26-49-2 of the Regulations of Connecticut State Agencies is amended to read as follows:***

#### ***Sec. 5. Section 26-49-2. Hunting Dog Training Areas***

*(a) The size of the area where dog training is permitted shall be not more than 300 acres; however, the area where the shooting of birds will be permitted in connection with dog training shall be not less than five acres nor more than ten acres in size and shall be in a single block.*

*(b) The external boundaries of the dog training area shall be conspicuously posted and the area where the shooting of birds is permitted in connection with dog training shall be adequately posted by the permittee at intervals of not more than 100 feet with conspicuous signs of a size not less than 11" X 16". These signs shall include the name of the permittee and the words "Regulated Dog Training Area ... Authorized under regulations of the Department of Energy and Environmental Protection."*

*(c) The area where the shooting of birds is permitted in connection with dog training shall be in a location that does not conflict with any reasonable prior public interest, shall be suitable for the purpose, where the discharge of firearms will not endanger public safety, and shall be on or in close proximity to the private shooting preserve, game farm or commercial kennel of the permittee.*

*(d) Only artificially propagated pheasant, chukar partridge, quail, ducks and pigeons of either sex may be liberated and shot.*

*(e) All birds liberated shall be full-winged and capable of maintaining normal flight and shall be in a condition suitable to maintain themselves in the wild.*

*(f) No game bird or pigeon shall be permanently confined on the area where shooting is permitted in connection with the training of dogs by use of any device.*

*(g) All birds after they are shot in connection with dog training, shall be identified with a tag [obtained from the Department at a fee of ten cents each] containing the permittee's name and date of taking.*

*(h) The permittee shall keep accurate written daily records which shall be open to inspection by any duly authorized representative of the department at any reasonable time. These records shall include:*

- (1) The name of each person hunting on the area, the day the person was hunting and amount of game, pheasant, quail, chukar partridge and ducks taken each day.*
- (2) The number of all pheasants, quail, chukar partridge, and ducks liberated on the area included in the permit, together with the dates when such birds were liberated. Not later than thirty days following the period for which the permit was issued, the permittee shall submit to the department, a true copy of his records on forms provided by the department.*

**No Comments Received Pursuant to Section 26-49-2**

**Recommended wording:** As proposed

***Section 26-52-1 of the Regulations of Connecticut State Agencies is amended to read as follows:***

***Sec. 6. Section 26-52-1. Permits for Shooting Birds Liberated at Field Dog Trials***

*The commissioner will issue permits for field dog trials at which birds may be shot subject to the following regulations:*

- (a) Birds may be shot at all field dog training trials, and other trials which are licensed or sanctioned by the AKC, CASDFTA or NAVHDA.*
- (b) Field dog trials at which birds may be shot may be held during daylight hours, any time, including Sunday.*
- (c) The location where such field dog trial is held shall be suitable for that purpose and such trial shall not endanger the public safety. State-owned lands approved for shooting field dog trials are the Nod Brook Management Area, Dr. John E. Flaherty Field Trial Area, Mansfield Hollow Dam, and Sugarbrook Field Trial Area.*
- (d) Only pheasant, quail, chukar partridge, ducks and pigeons of either sex shall be liberated and shot at field dog trials.*
- (e) A minimum of five of any of the following species, pheasant, quail, chukar partridge, ducks or pigeons shall be liberated at each field dog trial.*
- (f) All pheasants, quail, chukar partridge, ducks or pigeons liberated at field dog trials for the purpose of their being shot shall have complete wing feathers, shall be capable of maintaining normal flight and shall not be confined to the field trial area by use of any device.*
- (g) No pheasant, quail, chukar partridge, or duck shall be liberated unless it was obtained from the same source of supply as that stated in the permit, except with the permission of the commissioner.*

*(h) All pheasant, quail, chukar partridge or ducks shot shall be [immediately tagged by an agent of the commissioner. Tags shall be obtained from the Department of Environmental Protection upon payment of a fee of ten cents each] identified with a tag containing the permittee's name and date of taking.*

*(i) A report on the trial, on a form furnished by the commissioner, must be submitted to the commissioner by the agent of the commissioner within one week of the end of the trial.*

*(j) Birds escaping from the trial course shall not be hunted further by trial participants or spectators on the same day as the trial. Shooting by trial participants off the bird field area as designated by the Department of Energy and Environmental Protection is prohibited.*

*(k) A permit to hold a field dog trial at which birds may be shot shall cost [ten dollars (\$10.00)] thirty five dollars (\$35.00) if held at the Nod Brook Management Area, Dr. John E. Flaherty Field Trial Area or Mansfield Hollow Dam and sanctioned by the AKC, CASDFTA or NAVHDA, and [five dollars (\$5.00)] eighteen dollars (\$18.00) if held on private lands.*

#### **No Comments Received Pursuant to Section 26-52-1**

**Recommended wording:** As proposed

***Section 26-55-3 of the Regulations of Connecticut State Agencies is amended to read as follows:***

#### ***Sec. 7. Section 26-55-3 Possession of Salamanders and Turtles***

*(a) No person shall possess in excess of three (3) Spotted Salamanders, (*Ambystoma maculatum*), at any time.*

*(b) No person shall possess in excess of three (3) Marbled Salamanders, (*Ambystoma opacum*), at any time.*

*(c) No person shall possess any Wood Turtle, ([*Clemmys*] *Glyptemys* *insculpta*), at any time.*

*(d) No person shall possess in excess of one (1) Eastern Box Turtle, (*Terrapene c. carolina*), at any time.*

*(e) No person shall possess in excess of one (1) Eastern hognose snake, ([*Heterodos*] *Heterodon* *platirhinos*), at any time.*

*(f) No person shall possess in excess of one (1) Eastern ribbon snake, (*Thamnophis sauritus*), at any time.*

*(g) No person shall possess in excess of thirty (30) adult Common Snapping Turtles, (*Chelydra serpentina*), at any time. This restriction shall not apply to turtles that can be documented as*



being bred in captivity and legally obtained.

(h) No person shall possess in excess of one (1) Spotted Turtle, (*Clemmys guttata*), at any time.

### **Public Comments Received and the Department's Responses Thereto on Section 26-55-3**

**Comment:** Two organization (Jonah Center for Earth and Art, Friends of Animals) and 26 individuals submitted comments in opposition to all of the regulations pertaining to snapping turtles, noting that commercial trapping and harvest of snapping turtles should be banned completely. Those in opposition did not believe, based upon the biology of the species (longevity, delayed reproductive maturity, low recruitment and high mortality rates), and lack of available or sufficient population data to justify any allowable harvest, that any take from the wild was sustainable. They noted that the restrictions proposed by the Department are not based upon available data but were pleased that the species conservation issues were finally being addressed. They urged the Department to reconsider its proposal in entirety. They noted the actions of other states to prohibit commercial harvest of snapping turtles and the need for protection until more information becomes known about their population and status in Connecticut. The Jonah Center and one individual further recommended that Section 26-78 of the Connecticut General Statutes be amended to provide the same protections against commercial use that is afforded to all other native wildlife species.

One individual submitted written testimony to applaud the Department for its well-intentioned efforts to stop the wholesale taking of snapping turtles, but expressed concern that the proposals were too broad to protect the species in Connecticut. He further questioned whether the Department had population level studies to support the new rules and whether an estimate of the numbers of turtles that could be removed to sustain population viability was available. He noted that while the species is listed by the International Union for the Conservation of Nature (IUCN) as a species of least concern across its range, the listing does not take into consideration status in specific regions or watersheds.

**Response:** The Department agrees that unregulated harvest of snapping turtles is unsustainable. The Department has reviewed similar regulations from other states nationwide. Based on a review of the species life history, consultation with professionals in other jurisdictions and our best professional judgment, we believe a phased approach to protect this species from unsustainable use is warranted. The regulation process is separate and distinct from the process used to enact statutory amendments, however the respondents' comments regarding CGS 26-78 have been noted.

**Comment:** One organization (Jonah Center for Earth and Art) and two individuals submitted comments that snapping turtles are known to accumulate certain environmental contaminants such as PCB's and heavy metals and should not be used for human consumption.

**Response:** The tendency for snapping turtles to bioaccumulate environmental contaminants such as PCBs or heavy metals has been well-documented in scientific literature. While many states have enacted bans based on site-specific or watershed-based areas, these are often accompanied by public health advisories pertaining to the consumption of snapping turtles by

humans. Connecticut presently does not have state-specific data regarding contaminant loading levels in snapping turtles and the Connecticut Department of Public Health does not currently have a public health advisory regarding the consumption of snapping turtles. The Connecticut Department of Public Health was consulted and concluded there insufficient foundation for prohibiting take based on public health concerns.

**Comment:** One individual commended the Department for addressing snapping turtle conservation needs and adding protections for snapping turtles, but believed the regulations would be improved by further restrictions due to the lack of sufficient population density data to justify an open season, especially for commercial purposes. The commenter noted that the particular facts of turtle biology suggest a likelihood of population decline with harvest limits as proposed. Low reproductive and survival rates in Northern populations, delayed maturity of 10-20 years before nesting and the particular danger posed by the removal of mature females were cited. A US Forest Service report citing that “the northern population of snapping turtles cannot sustain even minimal exploitation by humans” was noted. Additionally, the commenter suggested that trap escape vents be designed to let larger turtles escape and that a 12” minimum carapace length is contraindicated as a conservation goal based upon turtle biology. Consultation with other expert biologists and the Department of Public Health was urged to address the population threats of commercial take and public health risks associated with turtle meat consumption. The commenter also submitted a comprehensive overview of snapping turtle biology containing numerous references that was compiled by a turtle researcher from Maine in addition to several other references for consideration.

**Response:** Common snapping turtles (*Chelydra serpentine*) are a long-lived species with delayed sexual maturity and high juvenile mortality rates. These life history traits greatly limit their ability at a population level to respond to repeated disturbances or conservation threats. As is true for many wildlife species, Connecticut has a history of snapping turtle harvest that spans hundreds of years. This species has faced increasing population-level pressure from road mortality, habitat loss and fragmentation, and collection. A robust global market has resulted in a rapidly increasing demand for both turtle meat and for live, reproductive-age female turtles. When combined with unregulated commercial and recreational harvest, these population impacts are not sustainable for long-term population viability. Successful conservation and management of this species requires some level of protection of all life stages, including older juvenile turtles and adults. The Department is unaware of a trap designed with escape vents that would allow only the larger adult turtles to escape. Promulgation of these regulations addresses conservation actions outlined in Connecticut’s Comprehensive Wildlife Conservation Strategy. The Department has consulted with the Connecticut Department of Public Health and other turtle biologists in review of and response to comments received during the public hearing process.

**Comment:** One individual opposed the regulation due to concerns about the proposed seasonal limit of 30 turtles, recommending a smaller bag limit for personal use to avoid adverse effects on localized populations.

**Response:** There is no process currently in place (e.g. permits) to distinguish commercial harvest from personal use thus a split seasonal limit would be difficult, if not impossible, to

enforce.

**Comment:** One organization (HARP) commented in opposition to increasing the hunting of snapping turtles.

**Response:** The Department's proposed regulations do not increase the hunting of snapping turtles. The proposals are intended to place certain restrictions on the taking of snapping turtles, a species which is currently offered no protection by state laws or agency regulations. The proposals only address the taking of turtles by trapping methods and hunting is not a permitted method of take.

**Comment:** One individual questioned the reason why the Department would allow possession of 30 snapping turtles, which was thought to be excessive.

**Response:** Voluntary reports of commercial harvest in Connecticut may exceed 1,000 individual turtles. The proposed possession limit of 30 turtles represents a significant decrease in the number of turtles allowed to be taken.

**Comment:** One organization (Friends of Animals) supported providing protection for spotted turtles, adding possession limits on spotted turtles and snapping turtles and restricting the taking of snapping turtles. One individual commented in support of language prohibiting the possession of more than one spotted turtle and the declaration of no open season for this species.

**Response:** The Department agrees that there should be a closed season for spotted turtles, but recognizes that some residents may have taken a turtle in the past for their possession. The proposed limit will allow for continued possession on a limited basis. (see section 14, page 37, addressing snapping turtles)

**Note:** The word "adult" was added to subsection (g) of section 26-55-3 to be consistent with language in subsection (d)(3) of section 26-66-14.

**Recommended wording:** As proposed

***Section 26-66-1 of the Regulations of Connecticut State Agencies is amended to read as follows:***

***Sec. 8. Section 26-66-1. Behavior and Actions of Hunters***

*(a) The method of taking wild birds and wild quadrupeds by hunting shall be restricted to firearms, high velocity air guns using a single ball or pellet type projectile, and compound, long[, ] or recurved bow, or crossbow. In designated areas, by special permit, the commissioner may allow the use of modified versions of air guns or archery implements to achieve wildlife management objectives. No arrow or projectile which is coated with or contains any drugs,*

*poison or known tranquilizing substance may be used or possessed while engaged in archery hunting.*

*(b) [Use of crossbows is prohibited, except during the January bow and arrow season archery deer seasons on private land in deer management zones described pursuant to section 26-86a-6(b) of the Regulations of Connecticut State Agencies or except that a person who has a permanent physical disability to the degree that he or she cannot operate a long, recurve or compound bow may obtain a permit to take deer or turkey with a crossbow. A person applying for a crossbow permit under the disability provision of this section shall show proof that he or she has successfully completed the Connecticut conservation education/firearms safety advanced bowhunter education course or its equivalent and present a certificate from a licensed physician that he or she is so disabled. Upon satisfactory proof of disability, the commissioner may issue such a permit under this section which shall be carried at all times while hunting. Such permit shall not be a replacement for and is valid only with any license or permit required for archery hunting under the provisions of chapter 490 of the Connecticut General Statutes or regulations promulgated thereunder.] Any crossbow and bolt combination to be used for hunting [as permitted under this subsection] shall meet the following specifications: (1) The draw weight of the crossbow shall be not less than 125 pounds [nor more than 200 pounds]; (2) The crossbow shall have a permanent fixed rifle type stock, and a functional and/or fully operational mechanical safety device; (3) The bolt (arrow) length shall be not less than eighteen inches, excluding the broadhead; and (4) The [bolt weight shall be not less than 450 grains, including the broadhead; (5) the] broad head shall have two or more blades with a width not less than seven-eighths of an inch at the widest point. In addition, any crossbow in a drawn and cocked position with a bolt loaded in the crossbow shall be considered a loaded weapon [, whether or not a bolt is loaded on the crossbow].*

*(c) There shall be no hunting from one-half hour after sunset to one-half hour before sunrise, except that raccoon and opossum hunting is permitted after sunset on state-owned lands which are open to hunting and on privately owned lands where landowners do not object, and provided the open season for hunting migratory game birds shall be governed by the provisions of Section 26-66-4, and provided further that on the third Saturday in October, hunting shall commence at 7:00 a.m. e.d.t. (eastern daylight time) except for waterfowl, turkey and archery deer hunting.*

*(d) There shall be no hunting with firearms, discharging of firearms or carrying of loaded firearms within five hundred feet of any building occupied by people or domestic animals or used for storage of flammable or combustible materials, unless written permission of owner of such buildings is obtained and carried while hunting to allow closer shooting distances, except that the above referred to distance shall be not less than two hundred fifty feet unless written permission of owner of such buildings is obtained and carried while hunting to allow closer shooting distances when waterfowl is hunted in tidal water areas from land shooting positions or from floating blinds anchored adjacent to land or from rock formations. The provisions of this subsection shall not apply to landowners, their spouses or lineal descendants when hunting within five hundred feet of buildings owned by them or, when hunting waterfowl, within two hundred fifty feet of such buildings, but shall apply when said persons are hunting within said distances of buildings not so-owned.*

*(e) No hunting weapon shall be discharged toward any person, building or domestic animal when the same is within range or from or across the traveled portion of any public roadway.*

*(f) Domestic animals, agricultural crops, signs, fences, installations and facilities of utility companies and other property shall not be damaged.*

*(g) No dogs shall be trained, run or exercised or be permitted to run at large during the period from June first to the opening of the upland hunting season on any land posted by the Department or its agents against such activity.*

*(h) Hunting, trapping, fishing and/or trespassing is prohibited on any wildlife refuge, closed area or safety zone posted by the Department or its agents against such activity.*

*(i) Hunting is prohibited from the traveled portion of a public road or on any road adjacent to any premises used for the breeding, rearing, or holding in captivity of wildlife, or premises used for zoological purposes, or posted by the Department or its agents against such activity.*

*(j) No animals, except a dog or bird of prey where permitted by law or regulation shall be used in hunting or pursuing any wild bird or wild quadruped. Permits to use [of] birds of prey may be issued at the discretion of the commissioner to those persons who are engaged in federal, state or university cooperative research programs for the reestablishment of wild populations of raptors.*

*(k) No motor vehicle shall be operated or parked upon any public or private road, parking area, lane, passageway, right-of-way, field or lot posted by the Department or its agents against such activity.*

*(l) Discarding of bottles, glass, cans, paper, junk, litter or trash is prohibited on lands and waters open to hunting or otherwise under the jurisdiction of the Department of Energy and Environmental Protection.*

*(m) Vehicles using department-controlled parking areas shall be parked only in authorized places.*

*(n) At department-controlled boat launching sites, no boat shall be moored or anchored in a manner that will obstruct or interfere with the launching of other boats, and no boat shall be left unattended in the water or beached on shore unless such boat has, in an exposed area, the name and address of the owner of such boat painted or branded thereon or in any legible manner attached thereto. Any boat anchored, moored, beached or stored in violation of this subsection, and not removed within forty-eight hours after notice has been served on the owner thereof, shall be subject to impoundment at the expense of the owner, and such owner shall be subject to the penalties provided for violations of the provisions of this subsection. For the purpose of this subsection, notice shall be considered to have been served on the owner when a warning card has been affixed to his boat by a representative of the Department.*

*(o) At department-controlled boat launching areas on inland lakes and ponds, unattended boats left moored, anchored, beached or stored after December fifteenth and before March first shall be subject to impoundment at the expense of the owner and such owner shall be subject to the*

*penalties provided for violations of the provisions of this subsection.*

*(p) Subject to the provisions of subsection (c), no person shall hunt raccoons or opossums from [1/2] one-half hour after sunset to [1/2] one-half hour before sunrise by the use of a rifle, revolver, or pistol that uses centerfire ammunition or rim fire ammunition having a cartridge case longer than that of a .22 caliber long rifle cartridge case and the projectile of which is heavier than 20 grains or by use of shotgun shells larger or heavier than number two shot. No person shall take or attempt to take raccoons or opossums by the use of a light from a motor vehicle.*

*(q) Rifles and handguns using centerfire ammunition or rim fire ammunition having a cartridge case longer than that of a .22 rim fire long rifle cartridge case and the projectile of which is heavier than 20 grains and shotgun ammunition of loads larger or heavier than number two shot shall not be possessed and pistols or revolvers using ammunition larger or heavier than .22 rim fire long rifle cartridge shall not be used for the purposes of hunting as defined in section 26-1 of the Connecticut General Statutes on any private land during the private land shotgun rifle deer season as specified in section 26-86a-6(b)(7) of the Regulations of Connecticut State Agencies. This provision relating to rifle, shotgun and revolver ammunition shall not apply to persons holding valid landowner, private land shotgun rifle and/or revolver deer permits. Waterfowlers hunting from a boat, blind or stationary position may only use the ammunition specified in section 26-66-4(t) of the Regulations of Connecticut State Agencies.*

*(r) No person shall hunt, pursue, wound or kill any wildlife from September 1 through the last day of February without wearing above the waist at least a total of four hundred square inches of fluorescent orange clothing visible from all sides. This provision does not apply to:*

- (1) archery deer hunting from September 15 through the second Tuesday before Thanksgiving, and January 1 through January 31;*
- (2) archery deer hunting from the second Wednesday before Thanksgiving through December 31 while hunting from an elevated tree stand more than 10 feet from the ground;*
- (3) archery and firearms turkey hunting;*
- (4) waterfowl hunting from blinds or boats or from a stationary position;*
- (5) crow hunting from a blind or a stationary position;*
- (6) hunting raccoon and opossum from one-half hour after sunset to one-half hour before sunrise; [or]*
- (7) deer hunting by a landowner on his own property; or*
- (8) coyote and fox hunting from a blind, except during any firearms deer or fall firearms turkey season.*

## **Public Comments Received and the Department's Responses Thereto on Section 26-66-1**

### **Organizations and Individual Persons in Support of the Amendments to the Regulations**

Twenty-five individuals specifically supported proposals to expand the use of crossbows, noting the benefits of crossbows and that crossbows should be considered equally among archery equipment. Others noted the positive effect such a change would have on recruitment and

retention of hunters, deer management, revenue increases and the greater efficiency of crossbows as a management tool. Additional support was specifically noted for expansion of youth hunter training days and the use of muzzleloaders as an option during the shotgun/rifle season.

**Comment:** Two individuals recommended additional training or a separate certification course for those hunters who may be new to crossbow hunting, including archers who were previously certified in the bowhunter education course.

**Response:** The Department has systematically implemented a number of measures to ensure that crossbow hunters have adequate knowledge regarding the safe and effective use of crossbow equipment and does not believe that a mandatory or additional certification for crossbow hunters is necessary. In addition, a mandatory training program will increase agency administrative costs and place an additional burden on volunteer instructors to teach more courses.

Crossbows were legalized in Deer Management Zones 11 and 12 for all hunters on private land starting with the January 2010 season. Since that time, the training manual "Today's Crossbow" has been distributed to all bowhunter education classes and the Department will continue to do so. The manual was developed by the National Bowhunter Education Foundation (NBEF) to be used as an addendum to archery and firearms hunter education courses. The manual has also been made available to all physically disabled persons with authorization to use crossbows since publication in 2005. It should also be noted that the existing Connecticut Firearms Hunter Education Manual includes specific information regarding long, recurve, compound and crossbows. In addition, the Conservation Education/Firearms Safety (CE/FS) program routinely revises the bowhunter education curriculum to incorporate the latest information from the industry and the NBEF about crossbows, arrows and characteristics of flight and terminal ballistics associated specifically with the crossbow, notably when used for hunting purposes.

The CE/FS program and participating sportsmen's clubs have held annual workshops, supported by subject experts, for volunteer instructors and the general public regarding use of the crossbow for hunting purposes and crossbow hunting safety. The agency has also sought and received permission from the publisher to re-print a crossbow teaching guide for instructor reference and use in classes. Various style crossbows and related equipment have been purchased for use by instructors as training aids in classes. As a result, there is an increasing pool of certified CE/FS instructors who have training and instructional materials to conduct additional workshops for instructors and the public on the safe use of crossbows.

**Comment:** One individual cited safety concerns for crossbow users including the risk of accidental discharge, conflicts between traditional bowhunters and crossbow hunters while hunting on public lands, and the range of a crossbow. The commenter further expressed the opinion that crossbow hunters are more likely to hunt from ground positions and take unsafe shots at game in low light conditions when target identification is more difficult.

**Response:** There are no data to suggest that the use of crossbows would constitute a safety

risk for hunters or other recreational users. The effective range of a crossbow is similar to that of a compound bow (40 yards or less) and ballistically similar in the flight of the arrow fired from either implement. The principal difference in arrow flight is that a bolt, fired from a crossbow, loses energy more quickly than an arrow from a compound bow. This difference stems from a bolt being shorter, thicker, and heavier than arrows. All modern crossbows are equipped with safety devices designed to help prevent the risk of accidental discharge. Existing regulations also require that all crossbows have a fully operational mechanical safety device. Modern crossbows are typically equipped with telescopic sights which can allow for more detailed target identification under low light conditions. There are no data to support the commenter's assertion that crossbow hunters are more likely than hunters using regular archery equipment to hunt from ground positions or take unsafe shots.

No evidence was provided by the commenter to validate the claim that crossbows present greater safety concerns than archery equipment. An article published in the Proceedings of the First National Bowhunting Conference (Evaluation of the Use of Crossbows for Hunting Deer in Ohio and Arkansas, Tonkovich and Cartwright, 2002) found no difference in safety between crossbows and traditional archery equipment. This finding of "no difference" is consistent with a recent review of the International Hunter Education Association's (IHEA) Hunting Incident database that contains nationwide statistics for hunting-related injuries from 1930-2013. The national database also contains no incidents where a crossbow hunter was involved in a "beyond the target" injury, further addressing one commenter's concern that a perceived extended range of the crossbow would lead to such incidents.

A review of Connecticut data, where crossbow permits have been issued to physically disabled hunters since 1993 and all hunters using crossbows during the January season since 2010, indicated no record of crossbow accidents. This finding is especially significant given the fact that the use of crossbows by physically disabled hunters is quite large, with more than 2,000 Connecticut hunters having authorization to use crossbows during the 2012 deer season. In addition, an estimated 344 archers use crossbow equipment during the special January season.

**Comment:** Two individuals, representing themselves as experienced archers, commented in opposition to allowing crossbow equipment for all archers. One person felt that game would be at a major disadvantage and that use of a crossbow would take away from the ethics of the sport, noting further that crossbows have a killing range of more than 60 yards. Another hunter commented specifically about state lands and his concern that introducing crossbows would increase hunting pressure and ruin the only quality deer hunting for those who do not have access to private land. He further suggested crossbows be allowed only on private lands in an effort to increase deer harvest.

**Response:** Connecticut has one of the most liberal archery deer seasons in the northeast and most hunting occurs on private lands. Archers have an almost unlimited opportunity on state lands, with most areas receiving very little hunting pressure during the archery season. As the experiences of other states have shown, the addition of more archers using crossbow equipment on public lands is not expected to have a significant negative effect on the experience of other archers.



Both crossbows and compound bows are capable of harvesting deer at distances of 60 yards, but it remains true that the maximum effective range for each implement is generally less than 40 yards, determined by the downrange ballistics and manufacturer's recommendations. All archery deer hunting requires game to be at close range and most shots are taken at 20 yards or less. Those hunters who determine that traditional archery equipment provides the most satisfaction will continue to have the option to choose their hunting implement of choice.

**Comment:** One individual expressed concern regarding hunters who are not skilled with a bow and arrow using crossbows, which are easier to operate but still require a certain level of skill to deliver a "kill shot" in the vital area on deer. Concerns were raised about poor shots and recovery which is different than hunting with firearms. The commenter noted that information provided by the Department indicated the necessity of crossbows as an additional deer population management tool. If this was the case, the commenter felt that crossbows should be limited to only the zones where a deer population problem has been identified.

**Response:** A person can become proficient with a crossbow in a much shorter period of time, hence they are easier to use and will appeal to those that might be averse to using long, recurve or compound bows. This is particularly true of those that have diminished strength or conditioning. There is no evidence to suggest that crossbow use will increase wounding rates on deer. Because a crossbow is easier to use, is equipped with a telescopic sight, and reduces human error that can cause a poorly-placed shot, crossbows should increase the likelihood of a well-placed shot. Hunter surveys in Redding, Connecticut have demonstrated that crossbow hunters harvest more deer than non-crossbow hunters, making this a valuable tool for deer management, especially in areas where firearms hunting is limited due to the 500-foot no-discharge restriction for firearms hunters. Because of the ease in shooting a crossbow, it would provide opportunities for recruitment of young hunters and women, and provide a retention tool for aging hunters to continue to participate in the archery deer season. Maintaining participation in deer hunting is critical to our ability to manage deer populations on a statewide basis now and into the future. Limiting crossbow use to only certain zones will not meet the objectives of the proposal to allow all archers to have the option of utilizing crossbow equipment. All archers, whether they are using long bows, recurve bows, compound bows or crossbows will continue to be subject to the same rigorous training and certification standards to ensure safe and ethical hunting practices.

**Comment:** One individual, who was in favor crossbow use by all hunters, also supported changing the definition of a loaded crossbow as proposed. He explained the difficulty and burden on the hunter of having to discharge a crossbow in the field at the end of hunting time (sunset), which requires carrying a "discharge bag" or target to comply with the existing regulation. He further noted that methods to discharge a crossbow are cumbersome, expensive and possibly dangerous. He felt that it was a much safer option to be able to discharge a crossbow into a safe target at the parking area.

**Response:** The Department proposed an amendment to the definition of a loaded crossbow to be consistent with language provided in Connecticut General Statutes Section 53a-217e(2).

This section defines a loaded crossbow as one with a bolt (arrow) in place. Without a bolt in place, the crossbow cannot discharge a projectile and the change will provide hunters with a more practical and reasonable option to comply with the amended requirements.

**Comment:** One individual provided detailed verbal and written testimony in support of changes to the crossbow regulations, explaining his reasons for support based upon knowledge gained from personal experiences while deer hunting with a compound bow. He noted that the act of drawing back a compound bow puts the deer on high alert and increases the probability of sub-optimal arrow shots. He further explained physical injury sustained to his shoulder when taking a steep angled downward shot with a compound bow from a tree stand, adding that all archery equipment has both advantages and disadvantages and should be considered equivalent.

**Response:** The Department is in agreement that one advantage of crossbows is that the hunter is not required to pull the string on a compound bow in the presence of game. The movement associated with that action that can alert game to the hunter and have some potential for the hunter to make a less than ideal shot. A crossbow in a drawn and loaded condition can be held similar to a firearm and steadied or shot from a rest, which can improve accuracy.

**Comment:** One individual questioned why the changes listed in subsection 26-86a-1(b) to include muzzleloader, did not also include “crossbow”.

**Response:** The existing wording of this subsection includes “bow and arrow” and the Department considers crossbows as an additional type of bow and arrow. The Department does not believe it is necessary to add crossbows to this subsection.

**Recommended wording:** As proposed

***Section 26-66-2 of the Regulations of Connecticut State Agencies is amended to read as follows:***

***Sec. 9. Section 26-66-2. State-owned, State-leased, and Permit-required Hunting Areas; Weapons***

*(a) Any rifle or handgun using centerfire ammunition may not be used to hunt on state-owned land. Any rifle or handgun that uses rim fire ammunition having a cartridge case longer than that of a .22 long rifle cartridge case and the projectile of which is heavier than 20 grains, and shotgun ammunition of loads larger or heavier than number two shot shall not be possessed or used for the purposes of hunting as defined in section 26-1 of the Connecticut General Statutes on any state-owned land, including state forests. Muzzleloading rifles larger than .36 caliber or using any projectile other than round ball shall not be possessed or used for the purposes of hunting as defined in section 26-1 of the Connecticut General Statutes on any state-owned land, including state forests, except as provided for in section 26-86c of the Connecticut General Statutes. [Crossbows shall not be possessed or used for the purposes of hunting except as defined in section 26-66-1(b) of the Regulations of Connecticut State Agencies.] This provision*

*shall not apply to rifles, shotguns, muzzleloaders, or revolvers possessed by persons transporting legally killed and properly tagged deer taken on private lands to check stations located on state-owned properties, approved shooting range areas or deer hunting with shotgun or muzzleloader during the open season on such land. Waterfowlers hunting from a boat, blind or stationary position may only use the ammunition specified in section 26-66-4(t) of the Regulations of Connecticut State Agencies.*

*(b) Rifles of any caliber and shotgun ammunition of any shot load larger or heavier than number two shot shall not be possessed and pistols or revolvers of any caliber shall not be used for the purposes of hunting as defined in section 26-1 of the Connecticut General Statutes on any state-leased or permit required hunting area during the period starting the third Saturday in October through the last day in February, except by landowners, lessees, their spouses, lineal descendants and regular employees on land owned or leased by them. Waterfowlers hunting from a boat, blind or stationary position may only use the ammunition specified in section 26-66-4(t) of the Regulations of Connecticut State Agencies. This provision shall not apply to combination rifle-shotgun firearms when the rifle portion thereof is, or has been made, inoperative, or to approved shooting range areas on such land. This provision shall not apply to persons holding a valid permit to hunt deer on such land with a revolver, shotgun, rifle or muzzleloader. Trappers actively engaged in legal trapping and raccoon hunters may use handguns using ammunition having a cartridge case not longer than that of a .22 rim fire long rifle cartridge case and the projectile of which is not heavier than 20 grains.*

*(c) During the period from the last day in February to the third Saturday in October, rifles, pistols or revolvers without regard to caliber, and shotgun ammunition of any load may be used in the legal hunting or taking of wildlife, or for any other legal purpose, on state-leased and permit-required hunting areas only with written permission of the landowner or lessee of the land.*

*(d) Hunting or possession of any hunting weapon is prohibited in any park or forest recreation area except at predetermined times in such areas as are set aside by the commissioner or his designee and posted for such purposes.*

*(e) Starting the third Saturday in October through the last day in February, hunting or shooting is prohibited on any permit-required hunting area without a written permit or other authorization from the Department of Energy and Environmental Protection or an authorized agent of the Department except on lands owned by the Department of Energy and Environmental Protection designated as a permit-required hunting area, a written permit or other authorization from the Department is required from the third Saturday in October through the first Saturday in December unless otherwise posted. All such written permits or other authorizations shall be returned to the Department, or its authorized agent, within forty-eight hours following expiration of such permit or authorization. Records kept by any authorized agent in issuing such permits or authorizations shall be available for inspection by any state conservation officer or other Department official during normal business hours.*

**No Comments Received Pursuant to Section 26-66-2**

**Recommended wording:** As proposed

***Section 26-66-3 of the Regulations of Connecticut State Agencies is amended to read as follows:***

***Sec. 10. Section 26-66-3. Open Hunting Seasons and Bag Limits for Upland Game Birds and Quadrupeds***

*The following seasons are subject to the closures provided in (i) and (j) of this section:*

*(a) The open season for taking chukar partridge shall be from the third Saturday in October through the second Saturday in January. The daily bag limit shall not exceed two chukar partridge, and the season bag limit shall not exceed ten chukar partridge.*

*(b) The open season for taking European hare and cottontail rabbit shall be from the third Saturday in October through the last day of February. The daily bag limit shall not exceed one European hare and three cottontail rabbits, and the season bag limit shall not exceed ten European hare and twenty-five cottontail rabbits. The open season for taking ruffed grouse shall be from the third Saturday in October through the last day of November. The open season for taking gray squirrel shall be a split season starting the first day in September and running through the last day of September and starting the third Saturday in October and continuing through the last day of February. The daily bag limit shall not exceed one ruffed grouse and eight gray squirrels and the season bag limit shall not exceed eight ruffed grouse and forty gray squirrels.*

*(c) The open season for taking snowshoe rabbit shall be from the third Saturday in November through January 31. The daily bag limit shall not exceed two and the season bag limit shall not exceed ten.*

*(d) The open season for taking raccoon and opossum shall be from the third Saturday in October through the third Saturday in January. During the shotgun season for hunting deer, raccoon and opossum hunting will not be permitted during the daylight hours from [1/2] one-half hour before sunrise to [1/2] one-half hour after sunset. The daily bag limit shall not exceed five for raccoon. There shall be no daily or seasonal bag limits on opossum.*

*(e) The open season for taking quail shall be from the third Saturday in October and continue for two consecutive weeks, except that the season shall continue through the second Saturday in January on the following state-controlled field trial or dog training areas: Dr. John E. Flaherty Field Trial Area, Mansfield Hollow Dam, Nod Brook Management Area and Sugarbrook Field Trial Area. The daily bag limit shall not exceed two and the season bag limit shall not exceed ten.*

*(f) There shall be no open season on Hungarian partridge, northern and southern flying squirrel, mink, moose, muskrat, beaver, otter, Canada lynx, harbor seal, pine marten, Indiana bat, black bear, fisher, bobcat and mountain lion (felis concolor).*

(g) *There shall be no closed season except as provided in section 26-66-1 (c) and subsection (j) of this section; and no daily or season bag limits on any of the following species: coyote, porcupine, red squirrel, weasel, and skunk.*

(h) *The open season for taking red fox and gray fox shall be from the third Saturday in October through the last day in February. The daily bag limit shall not exceed three and the season limit shall not exceed thirty, in combination.*

(i) *There shall be a closed season for all hunting and the training of dogs from the [first] second Saturday in October through 7:00 a.m., e.d.t. on the third Saturday in October except for turkey and archery deer hunting; rail and gallinule hunting in tidal marsh; waterfowl hunting; coyote hunting; the hunting of foxes and rabbits under the provisions of section 26-39 of the [general statutes] Connecticut General Statutes as amended; hunting on licensed private shooting preserves operating under the provisions of section 26-48 of the [general statutes] Connecticut General Statutes as amended; junior pheasant hunting training day under the provisions of Section 26-48a-1(a) of the Regulations of Connecticut state agencies; field trials held under the provisions of section 26-51 and section 26-52 of the [general statutes] Connecticut General Statutes as amended, the training of dogs under the provisions of Section 26-49 of the [general statutes] Connecticut General Statutes as amended; or the training of hunting dogs on any area approved by the Department for this purpose.*

(j) *There shall be no open season for hunting any wild game birds or mammals other than turkeys during the open spring turkey season beginning the [first] last Wednesday in [May] April and ending [after 25 consecutive days thereafter] the last Saturday in May.*

(k) *The open season for taking woodchuck shall be from March 15 through November 15.*

### **Public Comments Received and the Department's Responses Thereto on Section 26-66-3**

**Comment:** Two organizations (HARP, Connecticut Votes for Animals) and nine individuals were opposed to an extension or expansion of the coyote hunting season, noting the coyote's role as a predator and in controlling the deer herd. One organization (Friends of Animals) opposed shortening the two-week closure in October, stating that there is no justification for shooting coyotes and calling for an end to the hunting of all wild canids. The organization further commented that allowing coyotes to be hunted encourages the use of semi-automatic weapons and AR-15 type weapons. One person commented that the Department should be looking into non-lethal means to discourage coyotes and hosting workshops to assist in that effort.

**Response:** The proposed changes do not change the number of days that coyotes may be hunted. Although one specific change would allow coyote hunting during an additional week in October, another would close the coyote season for an additional week (or 6 days) during the spring turkey season in order to be consistent with a previously implemented extension of the turkey season. The net result is the same number of days in which one may hunt coyotes.

The use of semi-automatic firearms for hunting a wide variety of game species in

Connecticut is currently a lawful and permitted activity. There is no evidence in Connecticut to suggest that predation by coyotes are having a lasting long-term effect on population levels of deer. Coyotes are becoming an increased threat to pet owners throughout the state. The Department will continue to promote tolerance and non-lethal means to coexist with coyotes in suburban landscapes and has devoted considerable resources to educating residents and pet owners of measures that can be employed to mitigate the threats posed by coyotes. Our efforts have included cooperative regional workshops with local officials, with one held as recently as January 23, 2013 in the town of Fairfield.

A complete closure of the coyote season and the methods of take (e.g. permissible implements) were not addressed in the Department's Notice of Intent to amend regulations. As such, people likely to be affected by this issue were not apprised of the proposal. Consequently, this comment will not be addressed.

**Recommended wording:** As proposed

*Section 26-66-4 of the Regulations of Connecticut State Agencies is amended to read as follows:*

***Sec. 11. Section 26-66-4. Wild Fowl and Shore Birds***

*The open season daily bag limit and possession limit for migratory game birds and the method of taking such game birds shall be the same as the open season, daily bag limit, possession limit and methods of taking fixed for such birds by the regulations of the United States fish and wildlife service made under the provisions of an act of Congress relating to migratory birds, and as provided under the provisions of section 26-91 of the [general statutes] Connecticut General Statutes, except as provided in section 26-66-1(c).*

*(a) [There shall be a minimum distance of one hundred yards between all occupied duck hunting blinds, whether such blinds be permanent, temporary, drift or float.*

*(b)] No person, except the commissioner, may construct or place any permanent blind or structure for hunting of waterfowl on state-controlled lands or waters. Any such permanent blind or structure may be removed or destroyed by the commissioner at any time.*

*[(c)] (b) All waterfowl hunting on state-controlled lands and waters of Great Island, Old Lyme and Ragged Rock Creek, Old Saybrook, shall be from waterfowl hunting blinds only, except that cripples may be recovered by shooting within the area open to hunting.*

*[(d)] (c) Waterfowl hunting in the Niantic River in the towns of Waterford and East Lyme is subject to the following regulations:*

- (1) Hunting is prohibited from shore or in the intertidal area without the permission of the riparian property owner;*
- (2) Hunting is prohibited in the water areas northerly of an east and west line which touches the southern tip of Sandy Point and includes Keeny Cove;*

- (3) *Hunting from boats is permitted only along the midline of the river;*  
(4) *Hunting is prohibited in Smith Cove and the channel entering Smith Cove in East Lyme.*

[(e)] (d) *Waterfowl hunting is prohibited in Alewife Cove and entrance channel, Waterford and New London, and in Jordan Cove, north from the mean high water line on the northern side of the sand spit and island.*

[(f)] (e) *Except during the regular duck season scaup, scoter, eider and old squaw may be hunted only in coastal waters and all waters of rivers and streams lying seaward from the first upstream bridge.*

[(g)] (f) *There shall be no waterfowl hunting on or from the tidal waters of the inlet between Cuttings Road, Compo Beach Road and Owenoke Park, known as Gray's Creek, Westport.*

[(h)] (g) *There shall be no waterfowl hunting in Cove Pond (Holly Pond) Stamford and Darien north of the dam.*

[(i)] (h) *The open season for taking crows shall be from the [third] second Saturday in [October] January through the [first] last Saturday in March and on Wednesday, Friday, and Saturday from the second Saturday in August through November 30.*

[(j)] (i) *There shall be no waterfowl hunting in the tidal waters of Cove Harbor within 100 feet of the mean high tide mark of the Darien shore.*

[(k)] (j) *Except when specifically authorized by the United States Fish and Wildlife Service for use during a special hunting season and as published in the migratory bird hunting guide, no person shall take migratory game birds with a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells.*

[(l)] (k) *Waterfowl hunting in the Thames River in the Town of Waterford is prohibited in Smith Cove northwest and above the railroad tracks, and from the shores and waters in the vicinity of Mamacoke Island in Mamacoke Cove westward of a line running from the easternmost point of land at Harrison's Landing due north to the point where it intersects the southernmost tip of Mamacoke Island, and from the shores and waters within the unnamed cove west of Mamacoke Island southward of a line running due east from the southernmost point of shoreline of the unnamed waterbody west of the railroad tracks, the shores and waters of which shall also be closed to waterfowl hunting, to a point intersecting the shoreline of Mamacoke Island.*

[(m)] (l) *Waterfowl hunting shall be prohibited in the area of Mason's Island known as Ram Point Cove inland of a line extending from the high water mark on the southernmost tip of Ram Point to the southernmost tip of Mason's Island bordering the eastern side of Ram Point Cove.*

[(n)] (m) *There shall be no waterfowl hunting in the Black Hall River in Old Lyme in the area bordered on the south by Route 156 and on the north by the first upstream railroad crossing.*

*[(o)] (n) No person shall kill or wound any waterfowl without making a reasonable effort to retrieve the bird. Any bird which is killed or wounded and not retrieved shall count in the daily bag total.*

*[(p)] (o) A waterfowl hunting party shall include no more than 6 individuals with a minimum distance of 100 yards between parties.*

*[(q)] (p) There shall be no waterfowl hunting in Assekunk Swamp, North Stonington.*

*[(r)] (q) For waterfowl hunting, only the following shot shall be used: (1) Non-toxic steel shot no larger than BB steel, or (2) Bismuth-tin alloy (97% bismuth and 3% tin), Tungsten Polymer, or tungsten iron shot or tungsten-matrix (95.9% tungsten: 4.1 % polymer)[.] , tungsten-nickel-iron (Hevishot) or any other non-toxic shot approved for use by the United States Fish and Wildlife Service no larger than number two. No person may possess lead shot while waterfowl hunting.*

*[(s)] (r) (1) There shall be no waterfowl hunting in any direction within a 500 foot radius of the mean high tide mark at Merwin Point in Milford.*

*(2) There shall be no waterfowl hunting within the area bounded by the shoreline and a line from the southernmost extension of the 500 foot radius at Merwin Point in Milford referenced in subdivision (1) of this subsection westward to the southeastern shoreline at Pond Point in Milford.*

*[(t)] (s) Waterfowl hunting is prohibited in the area known as the Cedar Point peninsula, shoreward of a line extending from the southerly tip of the stone breakwall at the eastern end of Compo Beach to the tip of Cedar Point and to the westerly tip of Owenoke Point in Westport.*

*[(u)] (t) There shall be no waterfowl hunting in or from the banks of the Mystic River between Route 1 and Route 27 in Mystic and Groton.*

*[(v)] (u) There shall be no waterfowl hunting in or from the banks of Ash Creek north of a line drawn from the northern end of the steel railing on the fishing pier in Fairfield to the northern end of the stone seawall in Bridgeport at the mouth of the creek where it enters Long Island Sound.*

*[(w)] (v) Waterfowl hunting is prohibited from the shore and water in the Giant's Neck area of East Lyme at the mouth of the Pataguanset River northward of a line running due west from the south end of the fixed pier located at the Giant's Neck Boat Association Launch to the south end of the breakwall located at the end of Point Road.*

*[(x)] (w) Waterfowl hunting is prohibited from the shores and waters of Long Island Sound in Greenwich as follows:*

- (1) In Greenwich Cove, north of a line extending from the easternmost point of land at Willowmere Point to the northernmost point of land on the peninsula immediately north of Meadow Place.*



- (2) In Cos Cob Harbor, north of a line extending due east from the southeasternmost point of land at the power plant property off of Sound Shore Road to the shoreline adjacent to Glen Avon Road.*
- (3) In Greenwich Harbor, Smith Cove and Indian Harbor, north of a line extending from the northernmost tip of the area known as Round Island on the west side of Greenwich Harbor to the southernmost tip of the peninsula at the end of Indian Field Road.*
- (4) In Byram Harbor, north of a line extending northeastward from the end of Dock Road to the southeastern most tip of Gamecock Island across Byram Harbor to the southern most tip of the unnamed peninsula immediately west of Harbor Drive.*

*[(y)] (x) Waterfowl hunting is prohibited from the shores and waters of the Branford River in Branford from Route 1 south to Montowese Avenue.*

*[(z)] (y) Waterfowl hunting is prohibited from the shores and waters in Post Cove in Deep River southward of the dike that extends across the northern edge of the cove.*

*[(aa)] (z) Waterfowl hunting is prohibited from the shores and waters in the area known as Long Shore Club Park in Westport shoreward of a line extending from the westerly tip of Owenoke Point to the southwest tip of Hendricks Point.*

*[(bb)] (aa) Waterfowl hunting at Plum Bank Marsh Wildlife Management Area in Old Saybrook is prohibited north and east of a line extending from Southview Circle southeast to Gull Lane.*

*[(cc)] (bb) Waterfowl hunting is prohibited from the shores and waters of the Quinnipiac River in New Haven south from a line extending from the southernmost tip of Granis Island at the mouth of Hemingway Creek, across the river to Lombard Street to the Route 1 Bridge.*

*[(dd)] (cc) Waterfowl hunting is prohibited from the shores and waters of the Housatonic River in Milford and Stratford southward from the I-95 bridge to a line extending from Edgemont Road in Milford across the river to Riverview Place in Stratford.*

#### **Public Comments Received and the Department's Responses Thereto on Section 26-66-4**

**Comment:** Three organizations (Friends of Animals, HARP, and Connecticut Votes for Animals) and seven individuals were opposed to increasing or lengthening the crow hunting season. One individual noted that crows have been disappearing at an alarming rate due to West Nile virus and another commenter questioned the research methods used to justify such an expansion.

**Response:** The proposal does not increase the number of crow hunting days and is not an expansion of the crow hunting season. The total number of crow hunting days is not changing. The proposed changes are intended to merely shift the available hunting days. The frameworks (season length and timing of season and bag limits and methods of take) for crow hunting, similar to all other migratory game birds, are set by the United States Fish and Wildlife Service. The state of Connecticut works within those frameworks to develop seasons. There is no biological evidence that current crow hunting intensity is impacting

populations, as the Connecticut breeding index for crows continues to increase at a rate of 1.78% annually. Regionally, crow numbers, as indexed by the Breeding Bird Survey conducted by the United States Geological Survey also indicate a stable to slightly increasing crow population.

**Recommended wording:** As proposed

***Section 26-66-5 of the Regulations of Connecticut State Agencies is amended to read as follows:***

***Sec. 12. Section 26-66-5. Trapping. General***

*(a) Furbearing animals may be taken by deadfall, box trap, live trap, unpadded metal traps not having a spread or opening greater than [five and three quarters]  $5\frac{3}{4}$  inches or padded metal traps not having a spread or opening greater than [five and fifteen sixteenths]  $5\frac{15}{16}$  inches, and smooth wire traps not having an opening greater than [six and one-half]  $6\frac{1}{2}$  inches, and species specific traps. For the purposes of this section, a species specific trap shall have all of the following features: (1) a triggering mechanism and restraining mechanism enclosed by a housing; (2) when set, triggering and restraining mechanisms accessible only via a single opening; (3) an access opening measuring not greater than 2 inches in diameter if round, or not greater than 2 inches diagonally if rectangular in shape; (4) a triggering mechanism that can only be activated by a pulling force; and (5) a swivel mounted anchoring mechanism. For the purposes of this section, a padded metal trap shall have all of the following features: (1) spring strength shall not exceed 55 inch pounds with arms in the closed position and 85 inch pounds with arms in the open position; (2) a gap between the arms of the trap such that in a closed position the gap shall be no less than 1/4 inch in width and no less than 4 inches in length; (3) provides and incorporates replaceable non-weather hardening, non-age hardening padding material not less than 3/32 inch thick covering the closing surfaces of, and securely affixed to, the arms; (4) a chain no longer than 6 inches in length; (5) swivels located at each end of the chain, with one center mounted below the trap and (6) a shock absorbing spring incorporated into the anchoring chain. Unpadded metal traps or padded metal traps with a spread or opening not greater than seven and one-half inches, or conibear type traps or similar smooth wire traps not greater than ten inches square may be set for beaver in water bodies occupied or frequented by beaver, including but not limited to lakes, ponds, marshes, swamps, rivers and streams. No traps may have serrations or teeth.*

*(b) Subject to the provisions of section 26-66-5(a) unpadded metal traps and smooth wire traps shall only be placed, set or attended below the surface of the water in a pond, lake, stream, river, spring hole or tidal waters, except smooth wire traps having an opening of four and three quarters inches or less may extend above the surface of the water provided a portion of the trap frame must remain in contact with the water. Subject to the provisions of section 26-55-5(a), padded metal traps shall only be placed, set or attended below the surface of the water in a pond, lake, stream, river, spring hole or tidal waters or in the burrow of wild animal, except from December 1 through January 31, coyotes may be trapped with padded metal traps placed, set or attended on or below the ground on private land subject to the following restrictions: (1)*

*private land parcels shall be a minimum of 10 contiguous acres; (2) any person placing, setting or attending such traps shall carry in possession proof of completion of a land trapping course approved by the commissioner; (3) any person placing, setting or attending such traps shall carry in possession written landowner permission explicitly allowing use of padded metal traps on or below ground; (4) bait shall not be visible; (5) traps shall require a force greater than two pounds to be triggered; (6) traps shall be securely anchored to the ground. No trap shall be placed, set or tended within ten feet of the waterline of a muskrat house or beaver house.*

*(c) Any device, the object of which is to discharge a firearm, or cause the discharge of any shell, cartridge, explosive, poison or flammable material of any nature, is prohibited when used with any trap.*

*(d) [No] Any person taking or possessing raw furs [required to be tagged shall sell, exchange, give away, mail or transport beyond state boundaries, otherwise dispose of, or retain for his or her own use, any raw fur] or carcasses of any beaver, bobcat, coyote, fisher, red fox, gray fox, wild mink or river otter [unless] shall have such raw fur [has been] or carcasses tagged, at no cost, by department representatives or, for coyote, red fox or gray fox taken by hunting, shall report the harvest by telephone or internet to the Department of Energy and Environmental Protection. Times, dates and locations of the regular tagging sessions and telephone or internet reporting options shall be listed in the abstract of hunting laws and regulations. All raw furs [must] or carcasses shall be [properly] tagged or reported by the last scheduled tagging date of the current trapping season or before selling, exchanging, giving away, mailing or transporting beyond state boundaries, retaining for personal use, or otherwise disposing of the raw fur or carcass, whichever comes first. For the purposes of this section, raw fur means a pelt which has not been tanned, mounted or processed in any way.*

*(e) On privately owned lands, no person shall set, place, or attend any trap unless he has in his possession the written permission of the owner. Dated permission must be obtained for the current season.*

#### **No Comments Received Pursuant to Section 26-66-5**

**Recommended wording:** As proposed

***Section 26-66-12 of the Regulations of Connecticut State Agencies is amended to read as follows:***

#### ***Sec. 13. Section 26-66-12. Wild Turkey Seasons, Bag Limits, Firearms, Ammunition, Archery Equipment, Methods, Permits, Tags and Reporting***

*(a) Season and bag limit:*

*(1) In such areas of the state as designated by the commissioner and listed in his applicable annual Connecticut hunting and trapping guide, the open spring private land season for hunting bearded wild turkey shall begin the last Wednesday in April and end the last Saturday*

*in May. [The two Saturdays before] From the second Saturday before the last Wednesday in April through the first Saturday before the last Wednesday in April shall be designated as junior turkey hunting training days. On these days, only hunters having a valid Connecticut junior hunting license and a spring season turkey permit may hunt on private lands for which they have written permission. The accompanying adult mentor shall have in his/her possession a valid Connecticut hunting license, a spring season turkey permit and written permission from the landowner. The adult mentor shall not carry a firearm, but may assist in calling. Hunting shall be allowed from one-half hour before sunrise until 12:00 noon, except on junior turkey hunting training days, when hunting shall be allowed from one-half hour before sunrise until 5:00 pm. The season bag limit shall be three bearded wild turkeys.*

*(2) In such areas of the state as designated by the Commissioner and listed in his applicable annual Connecticut hunting and trapping guide, the open spring state land season for hunting bearded wild turkey shall begin the last Wednesday in April and end the last Saturday in May. [The two Saturdays before] From the second Saturday before the last Wednesday in April through the first Saturday before the last Wednesday in April shall be designated as junior turkey hunting training days. On these days, only hunters having a valid Connecticut junior hunting license may hunt on state land for which they have a spring season turkey permit. The accompanying adult mentor shall have in his/her possession a valid Connecticut hunting license and a turkey permit for the spring season. The adult mentor shall not carry a firearm, but may assist in calling. Hunting shall be allowed from one-half hour before sunrise until 12:00 noon, except on junior turkey hunting training days, when hunting shall be allowed from one-half hour before sunrise until 5:00 pm. The season bag limit shall be two bearded wild turkeys.*

*(3) In such areas of the state as designated by the Commissioner and listed in his applicable annual Connecticut Hunting and Trapping Guide, the open fall season for hunting either bearded or non-bearded wild turkey with bow and arrow on private and state lands shall run concurrently with the archery deer season as specified in Section 26-86a-6(b) of the Regulations of Connecticut State Agencies. Hunting shall be allowed from one-half hour before sunrise until sunset. The season bag limit shall be two wild turkeys either bearded or non-bearded.*

*(4) In such areas of the state as designated by the Commissioner and listed in his applicable annual Connecticut Hunting and Trapping Guide, the open fall firearms season for hunting wild turkey shall begin on the first Saturday in October and end on October 31. Hunting shall be allowed from one-half hour before sunrise until sunset. The season bag limit shall be one turkey either bearded or non-bearded on state lands and two turkeys either bearded or non-bearded on private lands.*

*(b) Firearms, ammunition, archery equipment.*

*During the regulated seasons, Wild turkey may only be hunted as specified with a 20 gauge or larger shotgun, smooth bore muzzleloader of 20 gauge or larger, or with bow and arrow. Shot sizes in all firearms shall be restricted to #4, 5, 6, 7, or 7 1/2. A shotgun used to hunt wild turkey shall not be capable of holding more than three shells and have its magazine plugged*

*with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells. Bow and arrow as used in this regulation section means a long, recurved or compound bow with a minimum draw weight of 40 pounds, or crossbow with a minimum draw weight of 125 pounds. The arrowhead shall have two or more blades and may not be less than seven-eighths of an inch at the widest point.*

*(c) Method of take*

*(1) No person shall hunt, pursue, kill, take or attempt to take any wild turkey without a validated turkey permit, in addition to the license required by Section 26-27 of the Connecticut General Statutes.*

*(2) No animal, including a dog, may be used in hunting or pursuing any wild turkey, except that a dog may be used to hunt turkey during the fall firearms season on private lands only.*

*(3) No person shall take or attempt to take any wild turkey with the aid of real or artificial bait; over any baited area; with the use of electronic amplified turkey calling device or live decoy.*

*(4) No person shall take or attempt to take any wild turkey by participating in a cooperative drive or assist in hunting, pursuing or killing of wild turkeys without a validated permit. This provision shall not prohibit a hunter that has harvested all of the turkeys allowed under their permit from calling for another hunter with a valid turkey permit.*

*(5) It shall be unlawful to shoot from a building or other permanent structure.*

*(6) No person shall take or attempt to take any wild turkey which is roosted in a tree.*

*(d) Written consent.*

*No person shall hunt or assist with the hunting of wild turkey on private land without carrying dated written permission of the landowner for the current season. During the spring and fall firearms seasons such written consent shall be on forms provided by the commissioner. Only those consent forms completely filled out, signed and dated by the landowner shall be valid. Persons hunting pursuant to section 26-66-12 (e) (2) (A) shall not be required to carry written consent.*

*(e) Permits and tags.*

*(1) (A) During both the spring and the fall firearms turkey seasons an individual may apply for and purchase one state land and one private land permit. Application for all permits except state land designated areas requiring lottery selection shall be made on forms provided by the commissioner and shall be accompanied by the appropriate fee, as specified in Section 26-48a-2 of the Regulations of Connecticut State Agencies.*

*(B) The issuance of permits on designated state-owned lands for the spring and fall firearms seasons shall be on the basis of a random selection of single accurately*

*completed applications on forms provided by the commissioner. The total number of permits to be issued shall be predetermined by the commissioner and announced prior to the actual selection of permits. Upon notification of selection, the applicant shall return such notice with the appropriate fee as specified in section 26-48a-2.*

*(2) (A) Upon receipt of a completed application signed by a landowner of record, the commissioner shall issue, without fee, a private land turkey hunting permit to the owner(s) of ten or more adjoining acres of private land and the husband or wife, parent, grandparent, sibling, and/or any lineal descendant of such owner(s), provided no such owner, husband, or wife, parent, grandparent, sibling, or lineal descendant shall be issued more than one such permit per season. Such permit shall be valid for hunting on the owner's land as specified in the permit application.*

*(B) The land listed in the application shall:*

*(i) Be located in a designated turkey hunting zone; and*

*(ii) Be open to the public for turkey hunting, subject to the provisions of section 26-66-12(d) of the Regulations of Connecticut State Agencies.*

*(3) No wild turkey permit may be used unless it is validated by the Department of Energy and Environmental Protection and signed by the hunter upon receipt. Such permit is valid only for the state land area and hunting period, or private land for which it is identified. A valid wild turkey permit shall be carried while hunting.*

*(4) Immediately upon killing a wild turkey, and before moving the carcass in any manner from where it was killed, a person shall write their conservation identification number; name; date and time of kill; town of kill; and permit type on a tag and then sign their name. This tag, signed and with complete information, shall be kept with the turkey at all times.*

*(5) No person shall change or alter a turkey permit or tag or loan to another or allow another to have or use such permit or tag issued to himself or use any permit or tag issued to another.*

*(6) During the spring season a person may obtain a single private land permit and a single state land permit. During the fall season a person may obtain a single archery permit, a single private land firearms permit and a single state land firearms permit.*

*(7) Information contained in the application for such turkey permit which is determined to be false or misleading shall be cause for rejecting such application or revoking such permit.*

*(f) Reporting.*

*(1) All spring and fall permittees, whether having taken a turkey or not, who are contacted by the Department for the purposes of surveying turkey hunting activity shall complete a hunting season activity report by the method specified in the hunting and trapping guide published annually by the Department of Energy and Environmental Protection.*

*(2) During the open spring firearms/archery season, the open fall firearms season or the open fall archery season, the fully completed and signed tag specified in sec. 26-66-12(e)(4) shall remain with any harvested turkey until it is packaged for consumption or mounted for display. The fully completed and signed tag kept with a turkey harvested in accordance with all applicable laws and regulations shall constitute lawful possession, provided that the reporting required under subdivision (3) has been completed.*

*(3) Any person taking a turkey during the open spring firearms/archery season, the open fall firearms season or the open fall archery season shall report the taking of such turkey within 24 hours after taking such turkey by the method specified in the hunting and trapping guide published annually by the Department of Energy and Environmental Protection.*

### **Public Comments Received and the Department's Responses Thereto on Section 26-66-12**

**Comment:** Three organizations (Connecticut Votes for Animals, Friends of Animals, HARP) and ten individuals opposed increasing youth turkey hunting training opportunities on state and private lands. Their reasons for opposition included that the agency, in light of the recent tragic events in Newtown, should not be encouraging young people to engage in violent activities or to become more involved with guns. Additionally, some individuals found the proposals to be particularly offensive, claiming that the agency was indoctrinating children, encouraging cruelty upon animals and desensitizing youth to killing. One organization suggested that the proposals were attempts to recruit more hunters and sell more hunting licenses.

**Response:** Existing state laws and agency regulations allow youth between the age of 12 and 16 years of age to hunt only when accompanied by a licensed adult hunter. Such rules recognize regulated hunting as a legitimate and lawful recreational activity. The objective of the junior hunting training days is to teach young hunters how to safely and ethically hunt wild turkeys and to maintain the hunter conservation ethic that resulted in the restoration of the wild turkey and management of the population. It is an extension of the training that the youth, who have already consciously decided to become hunters, experienced during their Conservation Education/Firearms Safety training. Further, it teaches the benefits of responsible use of natural resources and the value of wildlife as a renewable, free-ranging source of human sustenance in an active outdoor recreational setting shared by a youth and a mentor.

**Comment:** One individual commented that there should be no junior hunting days on state lands because it is too risky for non-hunters using state lands.

**Response:** Hunting is one of the safest outdoor recreational activities. Nationwide statistics have consistently demonstrated that youth and mentored hunters are among the safest in the field. There has not been a single incident involving a youth hunter injuring a non-hunter in Connecticut.

**Comment:** One individual, representing himself as a hunter, did not believe that additional junior hunter training days would assist with hunter recruitment. He was opposed to expansion of youth training opportunities, especially for turkeys when they are highly vulnerable during the

first week of the season. He noted that youth already had sufficient opportunities for a mentored experience, that wildlife resources should be available to all hunters equally and that it was unfair to the rest of hunters. He further recommended that bag limits for junior hunters be reduced and noted concerns for the earlier timing of the spring turkey season, when female turkeys may have not have been bred. This commenter also noted an alarmingly low number of turkeys in southeastern Connecticut.

**Response:** There is sufficient evidence on a national basis to suggest that youth training days will enhance hunter recruitment. Research has shown that many youths participating in youth training days have had many positive experiences. Allowing youths to hunt prior to the regular seasons enhances the instructional experience, reduces the chance of hunter interference and increases the likelihood of success which fosters a desire in youths to continue to hunt. Because junior hunters cannot hunt alone, they inherently have more obstacles to hunting participation than do adults. The expansion from two to seven days is necessary to provide more opportunity for youths to experience the benefits provided by a mentor's guidance and instruction. A youth turkey hunter survey found that 70 percent of youths have difficulty participating in youth training days because of conflicting obligations for themselves and/or their mentor. For mentors that have job-related conflicts on Saturdays, they may now have the chance to go turkey hunting during the week after work or school. More week days will provide more opportunity for youths at a time of year when organized sports and other activities are competing for recreation time, especially on Saturdays.

In 2012, approximately 340 junior hunters were licensed to participant in the spring wild turkey season. Past research has shown that only about half will actually participate. Allowing the junior hunter training days to be expanded from two days to seven days will result in less hunting pressure on any given day and more participation. The participation of 170 junior hunters will have minimal impact on the experiences of approximately 8,600 adult turkey hunters during the regular season.

Past turkey seasons have shown that harvest on youth training days is insignificant. In the past three years, participant's harvest has averaged 61 turkeys. During youth training days, the harvest for spring turkey it was less than five percent. No evidence was provided by the commenter to validate the claim that a very low number of wild turkeys currently exist in southeast Connecticut. The spring harvest in southeast Connecticut for the past four years indicates a fairly stable population (2009-92, 2010-61, 2011-86, 2012-88). Private land accounts for the majority of the harvest for turkeys; therefore any harvest on state lands is negligible. During the 2012 spring turkey season approximately 193,000 acres of state land were open to hunting, from these lands a total of 16 turkeys were harvested during the two youth days (1 turkey harvested per 12,000 acres). Due to the limited number of participants and harvest, overall impacts are negligible regarding Connecticut's turkey populations and hunt quality.

Historically, turkey seasons dates in Connecticut were established conservatively at a time when most breeding had been completed and hens would be incubating eggs. However, as the turkey population has expanded, the timing of breeding has become less distinct. Breeding behavior typically begins in late March and may continue into June. Therefore,



adding additional junior hunting days in April is not expected to have a substantial effect on recruitment.

The youth training days provide an opportunity for veteran hunters to pass on their expertise to ensure that youth are trained in the safe and proper methods.

**Comment:** Two individuals that supported the expansion of youth hunter training days for turkey recommended additional regulatory language to define the behavior of adult mentors while supervising junior hunters. They suggested that the act of supervision be more clearly defined to reflect the instructional intent of junior hunting days. Specific suggestions included that “the adult mentor shall be within physical contact of the junior hunter while the junior hunter carries the firearm or bow” and “the adult mentor should be in a position to provide direct supervision and instruction and within clear sight of the junior hunter at all times.”

**Response:** We agree that a proactive measure to more clearly define the act of supervision is reasonable and would enhance public safety and the quality of the mentoring experience. It is not uncommon to find similar language in other states’ regulations and particularly in states where “apprentice” hunters are permitted to go afield with mentors without prerequisite safety training. The proposed amendment has been changed accordingly.

**Comment:** Three organizations (Friends of Animals, HARP, and Connecticut Votes for Animals) and 11 individuals opposed allowing dogs to be used for the hunting of turkeys on private lands during the fall season. Specific comments noted that allowing dogs would “stack the proverbial deck” in favor of the less skilled hunter, would not be sporting or humane and tarnish the idea of “fair chase” ethics. One commenter questioned whether an overpopulation of turkeys in Connecticut was the reason for the proposal. Another commenter characterized turkey hunting with dogs as being “barbaric” if dogs are not controlled and bringing additional terror to the birds.

**Response:** The Department does not believe that allowing dogs to be used for turkey hunting will provide an unfair advantage to the turkey hunter. It is common practice in Connecticut and most other states to use dogs to hunt a variety of game including: migratory game birds, grouse, rabbits and pheasants. More than half the states with a fall firearms turkey hunting season allow the use of dogs.

The use of dogs to hunt turkeys is not being proposed as an additional control measure for turkey populations. There is no evidence to suggest that wild turkeys are over-populated in any of the state’s thirteen management zones. The proposal is intended to enhance the hunting experience for a small portion of turkey hunters interested in a unique and specialized technique.

The dogs used for fall turkey hunting are highly specialized and require substantial training. These dogs are trained to scatter flocks, not to catch and kill turkeys. The turkey dog is a tool to assist with the hunt; however the hunter must be proficient with a variety of turkey calls, knowledge about turkey behavior and limit or eliminate movement of him and his dog to be successful. Maintaining control over the dog at all times is in the best interest of the hunter

because this can determine whether the hunter is successful. Ultimately, the skill and knowledge of the turkey hunter will determine success or failure, regardless of whether dogs are used or not.

Wild turkeys instinctively elude predators on a daily basis, and it is unlikely that a domestic dog is going “to bring additional terror” into a turkey’s daily existence.

**Comment:** Two organizations (Friends of Animals, HARP) expressed concern that the dogs used for turkey hunting would be placed in a dangerous situation and that turkey hunters are known to shoot each other. HARP made reference to a recent incident where an individual shot three beagles in Connecticut and questioned the agency objective of selling more licenses.

**Response:** There have been no turkey hunting-related shooting incidents in the history of the regulated fall firearms season in Connecticut. Also there have been no reported instances where dogs have been mistaken for game or injured by any turkey hunters. There is minimal chance of a turkey dog being mistaken for game as the majority of dogs are equipped with a bell which will announce its presence to any other hunters in the field.

The beagle incident referenced by the commenter was determined by investigators to be an intentional act. The violators have been charged with a variety of criminal acts, including illegal hunting and cruelty to animals.

The dogs used for fall turkey hunting are highly specialized and require substantial training. As a result, very few individuals will take the time, effort and expense to train a dog for this specialized type of hunting. In states where fall turkey hunting with dogs is legal it is estimated that less than ten percent of fall turkey hunters will use a dog. Therefore the proposed regulation change will not cause an appreciable increase in fall turkey hunting license sales.

**Comment:** One individual noted that additional dogs off leash in the woods would pose a danger to hikers. One individual noted past problems with off-leash dogs that were threatening their livestock.

**Response:** The proposed regulation is for private lands only; therefore minimal conflicts should arise between fall turkey hunters using dogs and other user groups. Turkey dogs are highly trained which reduces the possibility of them running out of control and harassing pets or livestock. The landowner has the right to choose who will access his or her property. If an individual is concerned about user group conflicts, then the landowner should be contacted to resolve these issues before they occur.

**Comment:** One individual noted that allowing dogs to hunt turkeys would have a negative impact on the turkey population.

**Response:** The Department does not believe that the proposed regulation will have any impact on the turkey population, based upon the expected low participation rate and typical fall harvest. Wild turkey biologists from 49 states and one Canadian province were

questioned concerning the use of dogs for fall turkey hunting in a recent survey. None of these professional biologists reported concerns about the impact of dog hunting on turkey populations.

**Comment:** One individual commented that the general hunting closure during the spring turkey season, as specified in RCSA 26-66-3(j) be deleted in entirety, noting that the closure to taking other species is no longer necessary and preempts opportunities for sportsmen to hunt other species during the same period. He noted that the original intent of the closure was to address concerns about non-permitted hunters taking turkeys so as not to impede the turkey restoration effort. Now that the turkey population has been fully restored and well documented, the conservative measure is no longer needed.

**Response:** The Department agrees that removing restrictions on the hunting other species during the spring turkey season is no longer necessary for protection of the wild turkey. However, opening this period to other hunters was not addressed in the Department's Notice of Intent to amend regulations. As such, people likely to be affected by this issue were not apprised of the proposal and the request for change cannot be addressed at this time.

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**Amendment Revised Based on Comments Received**

***Recommended Final Wording: Section 13. Subdivisions (1) and (2) of subsection (a) of section 26-66-12 of the Regulations of Connecticut State Agencies is amended to read as follows:***

**Sec. 13. Section 26-66-12. Wild Turkey Seasons, Bag Limits, Firearms, Ammunition, Archery Equipment, Methods, Permits, Tags and Reporting**

**(a) Season and bag limit:**

(1) In such areas of the state as designated by the commissioner and listed in his applicable annual Connecticut hunting and trapping guide, the open spring private land season for hunting bearded wild turkey shall begin the last Wednesday in April and end the last Saturday in May. [The two Saturdays before] From the second Saturday before the last Wednesday in April through the first Saturday before the last Wednesday in April shall be designated as junior turkey hunting training days. On these days, only hunters having a valid Connecticut junior hunting license and a spring season turkey permit may hunt on private lands for which they have written permission. The accompanying adult mentor shall have in his/her possession a valid Connecticut hunting license, a spring season turkey permit and written permission from the landowner. The adult mentor shall not carry a firearm, but may assist in calling. The adult mentor shall remain within physical contact of, and in a position to, provide direct supervision and instruction of the junior hunter at all times. Hunting shall be allowed from one-half hour before sunrise until 12:00 noon, except on junior turkey hunting training days, when hunting shall be allowed from one-half hour before sunrise until 5:00 pm. The season bag limit shall be three bearded wild turkeys.

(2) In such areas of the state as designated by the Commissioner and listed in his applicable annual Connecticut hunting and trapping guide, the open spring state land season for hunting bearded wild turkey shall begin the last Wednesday in April and end the last Saturday in May. [The two Saturdays before] From the second Saturday before the last Wednesday in April through the first Saturday before the last Wednesday in April shall be designated as junior turkey hunting training days. On these days, only hunters having a valid Connecticut junior hunting license may hunt on state land for which they have a spring season turkey permit. The accompanying adult mentor shall have in his/her possession a valid Connecticut hunting license and a turkey permit for the spring season. The adult mentor shall not carry a firearm, but may assist in calling. The adult mentor shall remain within physical contact of, and in a position to, provide direct supervision and instruction of the junior hunter at all times. Hunting shall be allowed from one-half hour before sunrise until 12:00 noon, except on junior turkey hunting training days, when hunting shall be allowed from one-half hour before sunrise until 5:00 pm. The season bag limit shall be two bearded wild turkeys.

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*Section 26-66-14 of the Regulations of Connecticut State Agencies is amended to read as follows:*

***Sec. 14. Section 26-66-14. Seasons, Bag Limits, and Methods for Taking Reptiles***

*(a) There shall be no open season for taking Bog Turtles, ([Clemmys] Glyptemys muhlenbergii), Wood Turtles, (Clemmys ensculpta), Diamondback Terrapins, (Malaclemys terrapin) [and], Eastern Box Turtles, (Terrapene c. carolina), and Spotted Turtles, (Clemmys guttata) in any developmental stage.*

*(b) The open season for taking Black Rat Snakes, Elaphe o. obsoleta, shall be from May 1 through August 31. During the open season, Black Rat Snakes shall only be taken by hand or hand-held implement. The daily and season bag limit shall not exceed one (1). However, there shall be no open season for taking eggs of this species.*

*(c) Repealed*

*(d) Seasons, bag limits, size restrictions, methods and gear limitations for taking common Snapping Turtles (Chelydra serpentina).*

*(1) The open season for taking snapping turtles shall be from July 15 through September 30.*

*(2) The daily bag limit shall be five (5) and the seasonal bag limit shall be thirty (30).*

*(3) During the open season only snapping turtles having a straight line upper shell (carapace) length of 12 inches minimum shall be taken. There is no open season for taking snapping turtle eggs and nests shall not be disturbed without prior authorization from the Department.*

*(4) Snapping Turtles may be taken by hand, dip net, turtle hook, floating or non-floating turtle trap, and personally attended hook and line only. The use of firearms, poison, explosives, seines, gill nets or fyke nets is prohibited.*

- (5) No person may set, place or attend more than three (3) total turtle traps at any given time. Traps used must be constructed and set in a manner to allow turtles to surface and breathe, and shall be constructed of mesh at least one inch wide at the narrowest measurement. All traps shall have a functional escape hole provided with a minimum diameter in all directions of 7.5 inches to allow the passage of fish and small turtles. Trap size must not exceed 4 feet x 4 feet x 4 feet. Traps must be tagged with a plate or tag visible above the water line bearing the name and address of the user in legible English. Only the operator identified on the tag may tend the trap. All traps must be lifted or tended and emptied of catch at least once in a 24 hour period. Any wildlife otherwise protected must be immediately released at the point of capture.
- (6) No person shall use a turtle trap on any state-controlled body of water or property managed by the Department without written authorization from the Department.
- (7) The above restrictions shall not apply to private pond or lake owners or owners of aquaculture facilities trapping for the purposes of releasing turtles back into the wild at another location.

### **Public Comments Received and the Department's Responses Thereto on Section 26-66-14**

**Comment:** One individual submitted written testimony to applaud the Department for its well-intentioned efforts to stop the wholesale taking of snapping turtles, but expressed concern that the proposals were too broad to protect the species in Connecticut. He further questioned whether the Department had population level studies to support the new rules and whether an estimate of the numbers of turtles that could be removed to sustain population viability was available. He noted that while the species is listed by the International Union for the Conservation of Nature (IUCN) as a species of least concern across its range, the listing does not take into consideration status in specific regions or watersheds. He further noted that the proposed season limits had the potential to decimate local populations, especially if the number of trappers is not regulated. He also noted concerns about methods used to dispatch turtles, lack of income reporting, and human health due to contaminated tissue used for human consumption. His preference was for a total ban on the taking of snapping turtles or a temporary ban until such time that population data is obtained, urging the Department to err on the side of caution.

**Response:** In an effort to begin collecting harvest data and to address trap tagging requirements, the proposed regulation has been revised by adding language to require turtle trappers to obtain a conservation identification number and authorization to trap turtles. The proposed regulations address trapping methods designed only for capture of live turtles to be used for future consumption. The method of dispatch was not addressed as part of these proposed amendments; and Department doesn't have the authority to require income reporting of commercial dealers.

**Comment:** One individual, representing himself as a commercial turtle trapper and fisherman, provided verbal and detailed written testimony regarding the negative effect that the proposed regulations would have on his livelihood and income derived from the activity. He acknowledged the need for restrictions and the unregulated nature of the activity but sought open minded and fair sense regulations that would include his ability to make money off of a renewable resource. He noted that the Department does not have survey data to determine

population status in order to make informed decisions, nor has the agency performed a fiscal analysis of the effect on small businesses. He offered anecdotal information on growth rates and noted that the sustainable harvest from the Connecticut River alone was 10,000 – 20,000 pounds per year, based upon six years of personal experience and a personal annual harvest of 10,000 pounds in six weeks of trapping. He noted a 300 year history of turtle trapping in Connecticut and the desire to preserve the opportunity for future generations.

**Response:** The proposed regulation addresses the unregulated and unsustainable harvest as it exists today. The proposed regulations allow for continued commercial and recreational harvest. The Department recognizes Connecticut's long history of turtle trapping, but needs to balance that with the increased pressure placed on wildlife populations through increasing global trade and other population-level threats that were not historically factors influencing the sustainability of the species.

The commenter also supported specific restrictions that would reduce mortality of trapped turtles and requirements that all traps be tended within 24 hours. He suggested a median approach to the new regulations and made specific recommendations regarding the variety of limitations on turtle trapping as proposed. This included:

- Support for the taking of males only to protect the females with an increase in size limit from 12" to 13" to aid in differentiation between the sexes. He noted that other trappers were also not opposed to a males-only season and the increased meat yield compared to female turtles, which are primarily exported to China to stock farms.

**Response:** Snapping turtles exhibit sexual dimorphism and males grow significantly larger than females. The Department does not agree with establishing a males-only season due to the difficulty of enforcement in the field and lack of a reliable method (Knyast, 1998) for determining sex. An increase in the size limit, however, would result in a corresponding increase in the percentage of adult females protected. A Maryland study (P. Cain, 2008) examined the effects of various size limits on snapping turtle population structure and determined that a carapace (shell) length of 12.5" would protect 96% of female tidewater turtles compared to 40% at a 10.5" limit in addition to protecting 67% of male turtles. The study also found no significant differences in mean female shell length between tidal and non-tidal populations. There is no available comparative growth rate data for Connecticut, however, the Department believes that increasing the size limit to 13" will provide even greater protection of reproductively active females and is warranted given the concerns regarding viability of snapping turtle populations. Therefore we are adjusting the minimum carapace limit from 12" to 13".

- As a commercial fisherman, the commenter recommended that turtles captured as bi-catch in seine and gill nets be allowed to be retained as part of the daily bag limit.

**Response:** The Department does not agree that turtle bi-catch in commercial fish nets should be allowed to be retained and believes that restricting the take of turtles to trapping methods is reasonable. It would be impossible to enforce bi-catch separately from methods of illegal take.

- Changes to trap sizes, which he believed was a reflection of the agency's lack of knowledge of traps commonly manufactured for the industry. He suggested an increase from 48 inches to 110 inches in trap length, noting that the larger traps can better accommodate water level fluctuations and reduce turtle mortality to drowning.

**Response:** The Department agrees that an increase in trap size is warranted. The proposed maximum trap size of 4' x 4' x 4' was intended to reflect only one style of trap (rigid box trap) used for turtles and did not take into consideration commonly used hoop-style traps. Hoop traps are larger in size consisting of a flexible netting material stretched over a series of rigid hoops, which are then anchored in place on the lake bottom. Information from several manufacturers indicates available hoop traps in sizes ranging from 60" to 84" in total length, therefore the regulation is amended accordingly to accommodate these traps.

- A recommended increase in the number of traps that can be tended at any one time from three per person to 6-13 per body of water, noting that the limitations proposed would limit success and ability to make income. Trappers should be able to continue to trap multiple locations at one time, noting that there are other trappers who come into Connecticut with the intent of completely trapping out a particular location.

**Response:** The Department believes that increasing the numbers of traps tended per waterbody may result in conflicts with other recreational use and does not support the commenter's suggestion.

- Changes to the season dates that include an early season in March, April and May to allow trapping when turtles emerge from hibernation and prior to egg laying, noting that the best time to trap is in June and early July.

**Response:** The Department does not support a change in season dates. The proposed restrictions were established to ensure that gravid (egg-bearing) females are not removed from the population.

- Changes to the proposed daily and seasonal bag limits which would make trapping economically unfeasible and reduce to activity to a recreational fishery. He proposed increasing the daily bag limit from five to 15 per day, further noting that the seasonal limit of 30 was "ridiculously light". He provided written testimony regarding the volume of Connecticut snapping turtles received for processing at a Maryland plant of between 20,000 and 30,000 pounds minimum.

**Response:** The reported harvest rate noted for a single commercial outlet does not suggest the current harvest is sustainable at a population level.

- Opposition to the requirements that trap tags need to be visible, noting that he is not opposed to identification but is concerned about vandalism and personal safety from those opposed to the activity. He would not be opposed to using some alternative

identifier that would not include his name and address.

**Response:** The Department agrees that name and address of the trapper can be omitted from the trap tag, provided a unique identifier can be used to yield such information for agency purposes. Therefore, we will require only a Conservation Identification Number (CID) to be displayed on the trap tag. A CID number is available to all persons without fee through the Department's Automated Licensing System and involves completing a profile of personal information available only to the agency or authorized licensing agents. In addition, the Department will create a new licensing product, a "snapping turtle trapping endorsement" that will be available without fee and display on an individual's Conservation License, which must be carried while afield. Requiring such an authorization will provide added benefits of being able to identify those persons legally harvesting snapping turtles. This will allow the agency to begin basic data collection and enable harvest surveys to be used for future turtle conservation efforts.

**Comment:** One individual commented in opposition to the proposed limits because it would limit the amount of services he is able to perform for pond owners who seek to remove turtles from their properties.

**Response:** The Department does not agree that the proposed limits would negatively affect property owners who wish to have snapping turtles removed from their properties. The trapper would still have the option to live trap and release problem turtles in suitable nearby habitat without the need to kill them. In addition, landowners have the option of performing the services themselves or hiring a licensed Nuisance Wildlife Control Operator (NWCO) to help them with their problem.

**Comment:** Two individuals questioned the definition of "state-controlled" body of water, requesting a better definition in the proposed regulations.

**Response:** The Department believes there is a need to regulate the placement of trapping devices in public access water bodies under control of the Department by requiring written authorization to do so. The intention is to include only bodies of water that are owned by the Department (state parks, state forests, wildlife management areas) or under control of the agency via a formal lease or agreement with the owner. The Department agrees that clarifying language will be added to better define the intent of the regulations.

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#### **Amendment Revised Based on Comments Received**

***Recommended Final Wording: Section 14. Subdivisions (3), (5) and (6) of subsection (d) of section 26-66-14 of the Regulations of Connecticut State Agencies is amended to read as follows:***

***Sec. 14. Section 26-66-14. Seasons, Bag Limits, and Methods for Taking Reptiles***



(d) Seasons, bag limits, size restrictions, methods and gear limitations for taking common Snapping Turtles (Chelydra serpentina).

- (1) The open season for taking snapping turtles shall be from July 15 through September 30.
  - (2) The daily bag limit shall be five (5) and the seasonal bag limit shall be thirty (30).
  - (3) During the open season only snapping turtles having a straight line upper shell (carapace) length of 13 inches minimum shall be taken. There is no open season for taking snapping turtle eggs and nests shall not be disturbed without prior authorization from the Department.
  - (4) Snapping Turtles may be taken by hand, dip net, turtle hook, floating or non-floating turtle trap, and personally attended hook and line only. The use of firearms, poison, explosives, seines, gill nets or fyke nets is prohibited.
  - (5) No person may set, place or attend more than three (3) total turtle traps at any given time. Traps used must be constructed and set in a manner to allow turtles to surface and breathe, and shall be constructed of mesh at least one inch wide at the narrowest measurement. All traps shall have a functional escape hole provided with a minimum diameter in all directions of 7.5 inches to allow the passage of fish and small turtles. Trap size must not exceed 4 feet x 4 feet x 4 feet, except that hoop-style traps may be up to 84" in total length. Traps must be tagged with a plate or tag visible above the water line bearing the Conservation Identification Number of the user. No person shall use a turtle trap without obtaining a snapping turtle trapping endorsement on such person's Conservation License. Such endorsement shall be issued without fee and must be carried at all times while engaged in turtle trapping. Only the operator identified on the tag may tend the trap. All traps must be lifted or tended and emptied of catch at least once in a 24 hour period. Any wildlife otherwise protected must be immediately released at the point of capture.
  - (6) No person shall use a turtle trap on any body of water owned, leased or otherwise under control of the Department without written authorization from the Department.
  - (7) The above restrictions shall not apply to private pond or lake owners or owners of aquaculture facilities trapping for the purposes of releasing turtles back into the wild at another location.
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***Section 26-86a-1 of the Regulations of Connecticut State Agencies is amended to read as follows:***

***Sec. 15. Section 26-86a-1. Check Stations and Reporting***

*(a) Any person taking a deer during the seasons as established pursuant to section 26-86a of the Connecticut General Statutes shall report within 24 hours by the method specified in the hunting and trapping guide published annually by the Department of Energy and Environmental Protection. All persons issued a deer permit that are contacted by the Department for the purposes of surveying deer hunting activity shall complete a hunting season activity report by the method specified in the hunting and trapping guide published annually by the Department of Energy and Environmental Protection.*

*(b) Any person, taking a deer with a shotgun, rifle, revolver, muzzleloader or bow and arrow on days specified in the hunting and trapping guide published annually by the Department of Energy and Environmental Protection shall register such deer and have a metal possession seal affixed to the carcass at an official Department of Energy and Environmental Protection deer check station. Such deer shall be registered on the same date taken. This provision shall not apply to owners and other persons hunting with a free landowner deer season permit.*

*(c) No person shall register or allow to be registered in his name, any deer which he did not legally kill.*

*(d) No person shall possess any deer affixed with a metal possession seal unless such deer has been registered at an official deer check station.*

*(e) The metal possession seal shall remain attached to any deer so marked until it is cut up and packaged for consumption.*

*(f) Any deer registered at an official deer check station shall be subject to the collection of biological data, including but not limited to the removal of teeth, lower jaw and organs.*

*(g) No person shall submit any deer killed other than during a regulated sport hunting deer season to be recognized by the state for any official trophy program or officially verified by the state for use in any national official record book entries.*

*(h) No person shall affix a metal possession seal to any deer not properly tagged in accordance with section 26-86a-2 (c) of the Regulations of Connecticut State Agencies.*

*(i) No person other than an authorized operator of an official Department of Energy and Environmental Protection check station shall possess or affix a metal possession seal to any deer carcass. The authorized check station operator or their designated employee shall personally affix the metal possession seal on the deer carcass being registered.*

*(j) The operator of any deer check station shall maintain accurate records of any information required by the department in registering legally taken deer and or in operating such check station. Such records shall be made available for inspection by any State Conservation Officer or other Department official during normal business hours.*

#### **Public Comments Received and the Department's Responses Thereto on Section 26-86a-1**

**Comment:** One individual, in support of allowing muzzleloaders during the shotgun/rifle deer season, suggested that the Department make it clear to hunters that if they choose to use a muzzleloader, they would be required to use their shotgun/rifle tags and not be allowed to take additional deer with their muzzleloader tags during that time period.

**Response:** The Department intends to add clarifying language to the Hunting and Trapping Field Guide concerning the use of muzzleloaders during the shotgun/rifle deer season. An increase in the bag limit for deer during the shotgun/rifle season was not proposed, therefore

cannot be addressed in this regulation package.

**Recommended wording:** As proposed

***Section 26-86a-2 of the Regulations of Connecticut State Agencies is amended to read as follows:***

***Sec. 16. Section 26-86a-2. Permits and Tags***

*(a) The issuance of firearm permits on state-owned lands designated by the Commissioner and listed in the applicable annual Connecticut Hunting and Trapping Guide shall be on the basis of a random computer selection of single accurately completed applications. The number of permits to be issued shall be predetermined by the commissioner and announced prior to the actual selection of permits. No person may be selected for more than one state land firearms deer permit.*

*(b) No deer permit may be used unless it is validated by the [department of environmental protection] Department of Energy and Environmental Protection and signed by the hunter upon receipt. A state land deer permit is valid only for the area and for the season for which it is identified. A landowner deer permit is valid only for the property listed on the application by which such permit was obtained. A valid deer permit shall be carried while hunting.*

*(c) Immediately upon killing a deer, and before moving the carcass in any manner from where it was killed, a person shall write their conservation identification number; name; date and time of kill; town of kill; and permit type on a tag and then sign their name. This tag, signed and with complete information shall be kept with the deer at all times until the carcass is cut up and packaged for consumption.*

*(d) No person shall change or alter deer permits or loan to another or permit another to have or use such permit issued to himself or use any permit issued to another.*

*(e) No person shall obtain more than one of the same type deer permit in any one year other than as specified in section 26-86a-8(c).*

*(f) Information contained in the application for such deer permits, which is determined to be false or misleading shall be cause for rejecting or revoking such applications or permits.*

*(g) No landowner shall make more than one application for the free landowner deer season permit for the same person.*

*(h) Persons [using private land deer permits to check legally harvested] checking antlerless deer legally harvested pursuant to private land deer permits at designated deer check stations may be issued a replacement antlerless only deer tag. Such tag shall be valid in the designated management zone during the designated season indicated on such tag by the commissioner only. Any person who checks a total of three antlerless deer at designated check stations may be*

*issued a replacement either-sex deer tag for use during that same season in the designated management zones designated on such tag by the commissioner.*

*(i) Persons checking antlerless deer legally harvested pursuant to state land deer permits at designated deer check stations may be issued a replacement antlerless only deer tag. Such tag shall be valid on designated state lands during the designated season indicated on such tag by the commissioner only. Any person who checks a total of three antlerless deer at designated check stations may be issued a replacement either-sex deer tag for use during that same season on state lands designated on such tag by the commissioner.*

*[(i)](j) Deer taken as antlerless-only with a private land shotgun/rifle permit may only be taken on days and in the zones specified on the permit.*

#### **No Comments Received Pursuant to Section 26-86a-2**

**Recommended wording:** As proposed

***Section 26-86a-4 of the Regulations of Connecticut State Agencies is amended to read as follows:***

#### ***Sec. 17. Section 26-86a-4. Firearms and Ammunition***

*(a) [During the open regulated shotgun season, deer may only be hunted with] Persons hunting subject to a state land shotgun deer permit may hunt with a 12, 16, or 20 gauge [smooth or rifled bore] shotgun [using ammunition loaded with] incapable of holding more than three shells containing a single projectile, or a muzzleloader as defined in section 26-86a of the Connecticut General Statutes. [Shotguns used to hunt deer shall not be capable of holding more than three shells and shall have its magazine plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells.]*

*(b) Persons hunting subject to a private land rifle/shotgun deer permit on lands less than ten acres may hunt with a 12, 16 or 20 gauge shotgun using shells containing a single projectile, or muzzleloader as defined in section 26-86a of the Connecticut General Statutes.*

*(c) Persons hunting subject to a private land rifle/shotgun deer permit on lands of ten or more acres may hunt with a 12, 16, 20 gauge shotgun using shells containing a single projectile, or a muzzleloader or centerfire rifle as defined in section 26-86a of the Connecticut General Statutes.*

*[(b)] (d) No person shall possess an electronic ignition firearm with battery connected, a capped percussion lock firearm, or a flintlock firearm having powder in the pan, where a loaded firearm is prohibited.*

#### **Public Comments Received and the Department's Responses Thereto on Section 26-86a-4**

**Comment:** One individual raised concerns about compromising safety by removing the three

shell limitation for shotguns, especially on small acreages where shotguns are more likely to be used.

**Response:** From strictly a safety perspective, the most important factors in ensuring that safe shots are taken is the direction of fire, positive target identification and having a sufficient backstop for the projectile, not the number of shots taken. Hunters using smaller acreages with shotguns are more likely to be hunting from elevated positions and shooting downward into the ground at a steep angle, thereby increasing the probability of a safe shot. Although only shotguns can be used on properties less than ten acres, both shotgun and rifle hunters, regardless of property size, must be at least 500 feet from a dwelling to discharge a firearm. Marksmanship is important, regardless of property size, and the level of marksmanship is related to the level of practice, not to the number of shells in a gun.

When the three shell limit was established in 1975, the bag limit for deer hunting was one deer per person. Today (2013) in some deer management zones, a hunter can shoot up to four deer while firearms hunting, with the ability to use replacement tags to harvest additional deer. The bag limit has changed over time and therefore the three shell limit established in 1975 no longer is appropriate. In these deer management zones, our objective is to harvest more deer to reduce the risk of Lyme disease, deer-vehicle accidents and damaged to native plant communities, caused by deer overabundance.

The Department does not believe that removing the three shell limitation will result in unsafe shots and the commenter offered no data regarding incidents of unsafe behavior by hunters using shotguns on small acreages.

**Recommended wording:** As proposed

***Section 26-86a-6 of the Regulations of Connecticut State Agencies is amended to read as follows:***

***Sec. 18. Section 26-86a-6. Open Seasons***

*(a) The hours for hunting deer authorized under the regulated sport hunting season permits shall be [1/2] one-half hour before sunrise to sunset--prevailing time standard. The hours for hunting deer authorized under deer damage permits issued per Connecticut General Statutes Sec. 26-82 shall be from [1/2] one-half hour before sunrise to [1/2] one-half hour after sunset--prevailing time standard.*

*(b) The open seasons shall be:*

- (1) for archery deer hunting on state lands open to archery deer hunting and firearms deer hunting, from September 15 through the second Tuesday before Thanksgiving Day and from the fourth Wednesday after Thanksgiving Day through December 31;*
- (2) for archery deer hunting on state lands open to archery deer hunting and closed to firearms deer hunting, and on private lands, from September 15 through December 31;*

- (3) for archery deer hunting on private lands in deer management zones designated by the commissioner and listed in the applicable annual Connecticut hunting and trapping guide, from September 15 through January 31;
  - (4) for muzzleloader deer hunting on state lands, from the second Wednesday after Thanksgiving Day through the fourth Tuesday after Thanksgiving Day;
  - (5) for muzzleloader deer hunting on private land, from the second Wednesday after Thanksgiving Day through December 31;
  - (6) for shotgun deer hunting on state lands there shall be two seasons:
    - (A) season A from the second Wednesday before Thanksgiving Day through the first Friday after Thanksgiving Day;
    - (B) season B from the first Saturday after Thanksgiving Day through the second Tuesday after Thanksgiving Day;
  - (7) for shotgun or rifle deer hunting on private land, from the second Wednesday before Thanksgiving Day through the second Tuesday after Thanksgiving Day;
  - (8) for revolver, as defined in section 29-27 of the Connecticut General Statutes, with a cartridge of .357 caliber or larger and subject to the revolver carry permit provisions of subsection (b) of section 29-28 of the Connecticut General Statutes, deer hunting on 10 or more acres of private land, the seasons shall be:
    - (A) by persons authorized to hunt deer pursuant to a free private land deer permit, as provided for in section 26-86a of the Connecticut General Statutes, and a revolver deer permit, from November 1 through December 31;
    - (B) by other residents of the state authorized to hunt deer pursuant to a private land shotgun rifle deer permit and a revolver deer permit, from the second Wednesday before Thanksgiving Day through the second Tuesday after Thanksgiving Day.
- (c) Special seasons shall be:
- (1) for rifle, shotgun or muzzleloader on private land in areas of the state designated by the Commissioner for antlerless deer only, from the fourth Wednesday before Thanksgiving through the second Tuesday before Thanksgiving Day;
  - (2) for shotgun deer hunting on state land by persons authorized to hunt deer pursuant to a Connecticut junior firearms hunting license and a state land shotgun deer permit, and accompanied by an adult simultaneously authorized to hunt deer pursuant to a Connecticut hunting license and a deer permit, from the third Saturday through the [and] second [Saturdays] Saturday before Thanksgiving Day. The adult mentor shall not carry a firearm.
  - (3) for shotgun or rifle deer hunting on private lands by persons authorized to hunt deer on the subject property pursuant to a Connecticut junior firearms hunting license, a private land shotgun rifle deer permit and written permission of the landowner, the junior firearms permit holder shall be accompanied by an adult who is authorized to hunt deer on the subject property simultaneously authorized to hunt deer on the subject property pursuant to a Connecticut hunting license, private land shotgun rifle deer permit and written permission of the landowner, from the third Saturday through the [and] second [Saturdays] Saturday before Thanksgiving Day. The adult mentor shall not carry a firearm.

**Public Comments Received and the Department's Responses Thereto on Section 26-86a-6**

**Comment:** Three organizations (Connecticut Votes for Animals, Friends of Animals, HARP) and ten individuals opposed increasing youth deer hunting training opportunities on state and private lands. Their reasons for opposition included that the agency, in light of the recent tragic events in Newtown, should not be encouraging young people to engage in violent activities or to become more involved with guns. Additionally, some individuals found the proposals to be particularly offensive, claiming that the agency was indoctrinating children, encouraging cruelty upon animals and desensitizing youth to killing. One organization suggested that the proposals were attempts to recruit more hunters and sell more hunting licenses.

**Response:** Existing state laws and agency regulations allow youth between the age of 12 and 16 years of age to hunt only when accompanied by a licensed adult hunter. Such rules recognize regulated hunting as a legitimate and lawful recreational activity. The objective of the junior hunting training days is to teach young hunters how to safely and ethically hunt deer and to maintain the hunter conservation ethic that results in the management of the deer population. It is an extension of the training that the youth, who have already consciously decided to become hunters, experienced during their Conservation Education/Firearms Safety training. Further, it teaches the benefits of responsible use of natural resources and the value of wildlife as a renewable, free-ranging source of human sustenance in an active outdoor recreational setting shared by a youth and a mentor.

**Comment:** One individual commented that there should be no junior hunting days on state lands because it is too risky for non-hunters using state lands.

**Response:** Hunting is one of the safest outdoor recreational activities. Nationwide statistics have consistently demonstrated that mentored youth hunters are among the safest in the field. There has not been a single incident involving a youth hunter injuring a non-hunter in Connecticut.

**Comment:** Two individuals that supported the expansion of youth hunter training days for deer recommended additional regulatory language to define the behavior of mentors while supervising junior hunters. They suggested that the act of supervision be more clearly defined to reflect the instructional intent of junior hunting days. Specific suggestions included that “the adult mentor shall be within physical contact of the junior hunter while the junior hunter carries the firearm or bow” and “the adult mentor should be in a position to provide direct supervision and instruction and within clear sight of the junior hunter at all times.”

**Response:** We agree that a proactive measure to clearly define the act of supervision is reasonable and would enhance public safety and the quality of the mentoring experience. It is not uncommon to find similar language in other states' regulations and particularly in states where “apprentice” hunters are permitted to go afield with mentors without prerequisite safety training. The proposed amendment has been changed accordingly.

***Recommended Final Wording: Section 18. Subdivisions (2) and (3) of subsection (c) of section 26-86a-6 of the Regulations of Connecticut State Agencies is amended to read as follows:***

**Sec. 18. Section 26-86a-6. Open Seasons**

(c ) Special seasons shall be:

- (1) for rifle, shotgun or muzzleloader on private land in areas of the state designated by the Commissioner for antlerless deer only, from the fourth Wednesday before Thanksgiving through the second Tuesday before Thanksgiving Day;
  - (2) for shotgun deer hunting on state land by persons authorized to hunt deer pursuant to a Connecticut junior firearms hunting license and a state land shotgun deer permit, and accompanied by an adult simultaneously authorized to hunt deer pursuant to a Connecticut hunting license and a deer permit, from the third Saturday through the [and] second [Saturdays] Saturday before Thanksgiving Day. The adult mentor shall not carry a firearm and shall remain within physical contact of, and in a position to, provide direct supervision and instruction of the junior hunter at all times.
  - (3) for shotgun or rifle deer hunting on private lands by persons authorized to hunt deer on the subject property pursuant to a Connecticut junior firearms hunting license, a private land shotgun rifle deer permit and written permission of the landowner, the junior firearms permit holder shall be accompanied by an adult who is authorized to hunt deer on the subject property simultaneously authorized to hunt deer on the subject property pursuant to a Connecticut hunting license, private land shotgun rifle deer permit and written permission of the landowner, from the third Saturday through the [and] second [Saturdays] Saturday before Thanksgiving Day. The adult mentor shall not carry a firearm and shall remain within physical contact of, and in a position to, provide direct supervision and instruction of the junior hunter at all times.
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***Section 26-86a-11 of the Regulations of Connecticut State Agencies is amended to read as follows:***

**Sec. 19. Section 26-86a-11. Deer Management for Bluff Point**

*Sec. 26-86a-[11] 12. Method of take*

- (a) *No person shall use a deer decoy to take or attempt to take any deer during the firearms deer hunting seasons as defined in subdivisions (4), (5), (6), (7) or (8) of section 26-86a-6(b).*
- (b) *No person shall transport a deer decoy during the bow and arrow deer season, as defined in subdivisions (1), (2) and (3) of section 26-86a-6(b), unless such decoy displays at least 400 square inches of fluorescent material visible from all sides.*



**The Department's Comment:** The need for this amendment no longer applies because this technical change was addressed and approved by the Legislative Regulation Review Committee on January 22, 2013.

**Comments Provided by the Public that were Not Proposed Amendments in this Package**

**Comment:** One individual submitted a comment regarding his disappointment that the agency was not extending shooting hours for landowners hunting on their own property, noting that safety would not be an issue.

**Response:** A change in the legal hours for deer hunting was not identified in the Department's Notice of Intent to amend regulations. As such, people likely to be affected by this issue were not apprised of the proposal. Consequently, this comment will not be addressed.

**Comment:** Four individuals commented in support of allowing Sunday hunting.

**Response:** Connecticut General States Section 26-73 prohibits hunting on Sunday.

**Comment:** Two organizations (Friends of Animals, HARP) and one individual were opposed to allowing electronic ignition muzzleloaders. The individual noted that such an allowance would distort the true meaning of muzzleloader and lead to an increase in hunters using muzzleloaders.

**Response:** Electronic ignition muzzleloaders are currently permitted under the Department regulations. The intent of the proposed change was merely to provide a definition to assist in enforcement of existing regulations regarding the circumstances under which a muzzleloader would be considered a loaded firearm. Whether or not to allow electronic ignition muzzleloaders was not addressed in the Department's Notice of Intent to amend regulations and therefore will not be addressed.

**Comment:** Two organizations (Friends of Animals, HARP) and one individual were opposed to changes which would exempt coyote and fox hunters from the orange clothing color requirement. Friends of Animals noted that it would be reckless to allow such hunters to be exempt and HARP was opposed on the basis that the change would endanger non-hunters and other hunters. An individual commented that all hunters should be visible to non-hunters so that they can be avoided in the field.

**Response:** The general requirement for wearing florescent orange clothing by most hunters is from September 1 through the last day of February. A number of exemptions are provided for specific types of hunting where the inability of game to detect a hunter's presence is central to the activity. Included are archery deer hunting, waterfowl hunting and firearms turkey hunting in the spring and fall. Hunting of fox and coyote is done from a stationary position where the hunter uses predator calling techniques to bring the game in range. The Department does not believe that allowing coyote or fox hunters to remain camouflaged in a blind or stationary position will increase public safety risk. Coyote hunters have always been

exempt from orange requirements during most of the year and there have not been any reported shooting incidents to hunters or non-hunters alike.

**Comment:** One individual, who supported expanding the use of crossbows, suggested that the Department add clarifying information to indicate that telescopic sights are permitted on crossbows.

**Response:** The Department recognizes that nearly all crossbows are equipped with a variety of sighting devices, but does not believe it is necessary to add clarifying language since the devices are not restricted.

### **Hearing Officer's Recommendations**

The hearing officer has reviewed all comments received at the January 3, 2013 public hearing and all written comments received as of 4:30 p.m. on January 17, 2013. The Department received a total of 158 individualized written and/or verbal public comments regarding the proposed amendments. All issues of concern have been addressed in this document to my satisfaction. Based on review of the information and the aforementioned responses, the hearing officer recommends that the Commissioner of Energy and Environmental Protection proceed with the proposed amendment to the regulations governing hunting and trapping.